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Rules and Regulations

Title 7—AGRICULTURE

Subtitle A—Office of the Secretary of Agriculture

[Amdt. 9]

PART 20—LIMITATION ON IMPORTS OF MEAT

Subpart—Section 204 Import Regulations

RESTRICTION ON IMPORTATION OF MEAT—CALENDAR YEAR 1972

The regulations set forth in this subpart are amended to add a section prohibiting the importation during the calendar year 1972 of meat which is the product of Australia, New Zealand, or Ireland, except direct shipments of such meat destined to the United States on an original through bill of lading. Meat subject to this restriction is that covered by items 106.10 (relating to fresh, chilled, or frozen cattle meat) and 106.20 (relating to fresh, chilled, or frozen meat of goats and sheep (except lambs)) of the Tariff Schedules of the United States.

This regulation is issued with the concurrence of the Secretary of State and the Special Representative for Trade Negotiations to carry out bilateral agreements negotiated with the Governments of Australia, New Zealand, and Ireland pursuant to section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854). The Commissioner of Customs has been requested to take such action as is necessary to implement this regulation. Since the action taken herewith has been determined to involve foreign affairs functions of the United States, this amendment and the request to the Commissioner of Customs, being necessary to the implementation of such action, fall within the foreign affairs exception to the notice and effective date provision of 5 U.S.C. 553.

The subpart, section 204 Import Regulations of Part 20, Subtitle A of Title 7 (35 F.R. 10837, as amended) is further amended by ading a new § 20.5 which reads as follows:

§ 20.5 Restrictions for 1972.

(a) *Transshipment*. No meat which is the product of Australia, New Zealand, or Ireland may be entered, or withdrawn from warehouse, for consumption in the United States except direct shipments of such meat destined to the United States on an original through bill of lading.

Effective date. The regulation contained in the amendment shall become effective January 1, 1972, or upon filing of the amendment with the FEDERAL REGISTER, whichever is later, but shall not apply to meat released under the provisions of section 448(b) of the Tariff Act of 1930 (19 U.S.C. 1448(b)) prior to such date.

(Sec. 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854), and E.O. 11539)

Issued at Washington, D.C., this 29th day of December 1971.

CLARENCE D. PALMBY,
Acting Secretary of Agriculture.

[FR Doc.71-19158 Filed 12-29-71;9:36 am]

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER B—SUGAR REQUIREMENTS AND QUOTAS

PART 818—IMPORT QUOTAS ON SWEETENED CHOCOLATE, CANDY, AND CONFECTIONERY COVERED BY TSUS ITEMS 156.30 AND 157.10 OF PART 10, SCHEDULE 1, OF THE TARIFF SCHEDULES OF THE UNITED STATES

Sugar Containing Products

Purpose and basis and bases and considerations. This regulation is issued pursuant to the authority vested in the Secretary of Agriculture by the Sugar Act of 1948, as amended by Public Law 92-138 approved October 14, 1971 (hereinafter referred to as the "Act"). The purpose of this regulation is to implement the limitation on the importation of sweetened chocolate, candy, and confectionery pursuant to paragraph (d) of section 206 of the Act which was added by Public Law 92-138 and which reads in pertinent part as follows:

"* * * the Secretary shall each year, beginning with the calendar year 1972, limit the quantity of sweetened chocolate, candy and confectionery provided for in items 156.30 and 157.10 of Part 10, Schedule 1, of the Tariff Schedules of the United States which may be entered or withdrawn from warehouse, for consumption in the United States as hereinafter provided. The quantity which may be so entered or withdrawn during any calendar year shall be determined in the fourth quarter of the preceding calendar year and the total amount thereof shall be equivalent to the larger of (1) the average annual quantity of products entered, or withdrawn from warehouse, for consumption under the foregoing items of the tariff schedules of the United States for the 3 calendar years immediately preceding the year in which each such quantity is determined or (2) a quantity equal to 5 per centum of the amount of sweetened chocolate and confectionery of the same description of U.S. manufacture sold in the United States during the most recent calendar year for which data are available. The total quantity to be imported under this subsection may be allocated to countries on such basis as the Secretary determines to be fair and reasonable, taking into consideration the past importations or entries from such countries. For purposes of this subsection the Secretary shall accept statistical data of the U.S. Department of Commerce as to the quantity of sweetened chocolate and confectionery of U.S. manufacture sold in the United States."

In accordance with the rule making requirements of 5 U.S.C. 553, there was published in the FEDERAL REGISTER on December 3, 1971, on page 23069 a notice of proposed rule making for the issuance of a regulation to establish import quotas on sweetened chocolate (other than in bars or blocks of 10 pounds or more each), candy and confectionery for the calendar year 1972. Written data, views, or arguments for consideration in connection with the proposed regulation were to be submitted not later than December 20, 1971. Thorough consideration has been given to all data, views, and comments received relative to the proposed regulation which are briefly summarized at the end of this statement of basis and consideration.

The average annual quantity of products entered, or withdrawn from warehouse, for consumption under the Tariff Schedules of the United States (TSUS) items 156.30 and 157.10 for the calendar years 1968, 1969, and 1970 amounted to 152,103,191 pounds. That quantity was determined from data published by the Bureau of Census, U.S. Department of Commerce in the annual reports FT 246 under the TSUSA reporting numbers 156.3000, 157.1020, and 157.1040.

The quantity of sweetened chocolate and confectionery of U.S. manufacture sold in the United States in 1970 amounted to 3,932,828,000 pounds as shown in "Confectionery Manufacturers' Sales and Distribution 1970" published by the Bureau of Domestic Commerce, U.S. Department of Commerce. Five percent of that quantity amounts to 196,641,400 pounds.

Accordingly, the quantity of sweetened chocolate, candy, and confectionery which may be imported for consumption under TSUS items 156.30 and 157.10 during the calendar year 1972 shall be limited to 196,641,400 pounds which is the larger of the two alternatives as provided in section 206(d) of the Sugar Act, i.e., the 1968-70 average imports or 5 percent of 1970 confectionery sales.

Pursuant to section 206(d) of the Act the total quantity permitted to be imported may be allocated to countries on such basis as the Secretary determines to be fair and reasonable taking into consideration the past importations or entries from such countries. The proposed regulation provided individual quotas for the six countries from which the United States imported the largest quantities of confectionery in recent years and established a basket quota for all other countries as a group. This regulation does not establish import quotas for any individual countries but makes the total quota available for all countries as a group on a first come, first served basis. The recent devaluation of the U.S. dollar and the drastic increase in the world price of sugar during recent weeks will tend to discourage increased imports of sugar containing products because domestic prices should be more competitive. The import limitations for 1972 are about 26 percent greater than imports in 1970 and about 28 percent greater than estimated total imports in 1971, hence, it is likely that total 1972 import limits will not be approached by actual imports. On the assumption that imports will not reach the liberal import limits, a global quota will provide the least impediment to commerce and to the play of economic factors and the least burden on Customs Service. A global quota would also permit more nearly filling of the total limits by eliminating the possibility that some countries will be limited while others are not using all of their quota.

To meet the issue that some countries ship the bulk of their exports to us late in the year and could be excluded by an early filling of the quota, a portion of the global quota, representing about 30 percent is reserved for entry during the last quarter of the year. Recent import history indicates about 30 percent of such imports normally occur during the last quarter of each year.

The regulation provides that a quantity of the quota equivalent to the quota for "chocolate crumb" established pursuant to section 22 of the Agricultural Adjustment Act, as amended, shall be reserved solely for importation subject to the section 22 quota under licenses issued pursuant to regulations of the Administrator, Foreign Agricultural Service, U.S. Department of Agriculture.

Due to the possibility that the proposed exemption of shipments with a value of $50 or less from the quota might provide a loophole whereby substantial quantities of candy might be imported outside the quota, the exempted quantity has been reduced to $25 which is intended to cover shipments for personal use whether transported in person or by other type of transport. Provision has also been made in the regulation whereby the total quota may be revised on the basis of revised data which become part of the official records of the Department.

The following views were received with respect to the proposed determination of 1972 import quotas on sweetened chocolate, candy and confectionery. There were many recommendations that importations of chocolate crumb be excluded from the calculation of quota allocations to individual countries. It was generally felt that chocolate crumb is not a finished confectionery product and at any rate, is already under a separate quota limitation pursuant to section 22. Inclusion of chocolate crumb it was contended would diminish the share available to the traditional chocolate and confectionery suppliers and importers. The comment was made several times that chocolate crumb importations should be excluded in computing country shares but added at the end in the amounts of section 22 quotas.

A number recommended additional individual country quotas with 25 being frequently mentioned. Some contended that the first come, first served basis applicable to the "all other countries" quota might induce exporters in these countries to export large quantites in the early part of the year, exhausting the group quota and depriving the historical importers from importing specialty confectionery. It was also thought that importers would be forced to make more purchases early in the year to insure arrival before quota exhausting, thereby increasing inventory and warehouse expenses as well as risking quality deterioration. Importers would find it hard to have a steady flow of imports based on demand and might be forced to take severe losses on goods ordered in good faith which arrived after the "all other country" quota was filled.

In many briefs, it was suggested that individual U.S. importers receive licenses for individual quotas for each country from which they have historically imported and that a certain percentage of each country quota should be set aside to enable new firms to obtain reasonable quotas and to allow established importers to seek goods in countries where they have not previously bought. This plan it was said would enable importers to have a steady flow of supplies based on needs.

Several persons suggested that the Secretary establish a global quota on a first-come, first-served basis for all countries until adequate data can be accumulated which would enable quotas to be allocated to countries on a fair and reasonable basis. A projection was cited which showed that if the proposed regulation had been effective on January 1, 1971, Canada and the "other countries" would have used about 60 percent of their quotas by August 31, 1971, while only 46.4 percent of the total quota would have been used, and that the two quotas mentioned might have been filled by the end of the year, even though only 69.6 percent of the total quota would have been utilized. Proponents of this recommendation also pointed out that data on imports for prior years are not reliable because the importing country of record was not always the source country and it is impossible to fairly allocate quotas to particular countries using presently available data as a basis.

An increase in the quota for "all other countries" was recommended. It was suggested that many of the industries in underdeveloped countries affected by the quota were established after studies and recommendations made by U.S. consultants. A larger quota would be an incentive to these countries and would help create goodwill toward the United States.

Switzerland requested a specific quota since Swiss chocolate is a highly valued commodity which cannot be replaced by confectionery products from other countries. It was suggested that exports should be rated in terms of value rather than quantity.

Spain suggested that the new regulation is a potential barrier to the foreign export trade contrary to the "Agreement to Friendship and Cooperation" between the United States and Spain, which is designed to expand trade relations between the two countries and that the proposed legislation would have an adverse effect on an agricultural region whose main economic activity is the growing and processing of commodities which enter into the composition of the Spanish nougat.

The National Confectioners Association recommended that there be an exemption for articles with a value of $50 or less only when accompanied by a person lawfully entering the United States because an exemption on all shipments valued at $50 or less could be misused as a loop hole for companies to make individual shipments on a daily basis.

Czechoslovakia requested that its imports of confectionery products not be subject to any import quota, but that if this is not possible, then an individual country quota should be established for Czechoslovakia. The rates of duty applicable to Czechoslovak confectionery products imported into the United States are several times higher than those applicable to the products of other countries. The proposed regulation would lead to further deterioration in the access of Czechoslovak confectionery products in the United States since Czechoslovakia falls in the proposed "all other countries" quota category and that the majority of countries in this category enjoy "most favored nation" duty.

One brief noted that the total proposed quota of 196,641,400 pounds is 25.7 percent greater than 1970 imports and that applying this percentage to 1970 imports for each of the countries with specific quotas would provide better continuity than does the proposed averaging technique which produces serious imbalance between those countries which performed well in 1970 and those which performed badly. Several countries were cited as examples of those offered disproportionately larger opportunities in 1972 than those countries which have performed consistently or show good development over the past four years. A proponent of allocating all country quotas based on 1970 export figures only, points out that the proposed method permits countries with individual quotas to have a larger margin to increase their exports over 1970 than those in the "all other countries" quota, because the exports of the latter countries increased by 14.4 percent from 1968 to 1970 while the total exports of countries with individual quotas decreased by 10.4 percent during the same period.

In order to assure that total imports would not drop to less than 5 percent of domestic sales of U.S. confectionery manufacturers, it was recommended that provision should be made for reallocation of country quotas during the calendar year if it appeared that one or more quotas might not be filled.

Ireland recommended that the quota for chocolate crumb be increased since the quota falls short of the requirements of Irish exporters and of the demands of U.S. purchasers of Irish chocolate crumb.

One recommendation requested the U.S. authorities to inform the governments of exporting countries as to the continuing status of unfilled quotas in order to help them avoid economic loss for individual firms in the form of hindered or delayed deliveries when the quotas become exhausted.

The European Economic Community recommended that the most recent 3-year average period be used in computing country quotas and requested a global quota be established for the EEC. Italy concurred with the EEC recommendation but requested a separate quota for Italy in the event a quota was not established for the EEC.

AUTHORITY: The provisions of these §§ 818.10 to 818.14 issued under sections 206, 403; 61 Stat. 927, as amended, 932, as amended; 7 U.S.C. 1116, 1153; and sections 7, 19, Public Law 92-138 approved October 14, 1971.

§ 818.10 Confectionery quotas for foreign countries, 1972.

(a) For the calendar year 1972, the quantity of sweetened chocolate, candy, and confectionery provided for in items 156.30 and 157.10 of Part 10, Schedule 1, of Tariff Schedules of the United States which may be entered or withdrawn from warehouse, for consumption in the United States and Puerto Rico is 196,641,400 pounds. Of the total quota, 21,680,000 pounds are reserved solely for the importation of sweetened chocolate for other than consumption at retail as candy or confectionery (TSUS item 156.3040) subject to quotas established pursuant to section 22 of the Agricultural Adjustment Act, as amended, and as set forth in items 950.15 and 950.16 of part 3 of the appendix to TSUS, which may be imported only under licenses issued pursuant to regulations of the Administrator, Foreign Agricultural Service, U.S. Department of Agriculture as follows: Ireland—13,200,000 (9,450,000 under TSUS 950.15 and 3,750,000 under TSUS 950.16); United Kingdom—8,380,000 (7,450,000 under TSUS 950.15 and 930,000 under TSUS 950.16); and Netherlands—100,000 (all under TSUS 950.15). Of the remaining quantity of 174,961,400 pounds (196,641,400—21,680,000) a quantity not to exceed 122,500,000 pounds may be entered or withdrawn from warehouse for consumption in the United States and Puerto Rico on or before September 30, 1972.

(b) The quota established by paragraph (a) of this section shall not apply to articles with an aggregate value of $25 or less in any shipment.

§ 818.11 Import requirements.

Articles subject to quota limitations pursuant to § 818.10 shall be entered on a first come, first served basis under the control of the Bureau of Customs, except articles subject to quotas established pursuant to section 22 of the Agricultural Adjustment Act, as amended, which may be imported only under license as set forth in § 818.10(a).

§ 818.12 Restrictions on importations.

Subject to the exception in paragraph (b) of § 818.10 all persons are prohibited from entering or withdrawing from warehouse, for consumption in the United States and Puerto Rico any article provided for in TSUS items 156.30 and 157.10 after the applicable quota set forth in paragraph (a) of § 818.10 has been filled.

§ 818.13 Revision of quotas.

The quota established under this order may be revised to reflect the subsitution of revised or corrected data used in the quota determination.

§ 818.14 Delegation of authority.

The Director of the Sugar Division (or any person in such division designated by the Director) Agricultural Stabilization and Conservation Service of the Department is hereby authorized to act on behalf of the Secretary in administering §§ 818.10 through 818.13 except as otherwise provided for in §§ 818.10 and 818.11.

Effective date. This action establishes a U.S. import quota on sweetened chocolate, candy and confectionary for the calendar year 1972 as required by Sugar Act amendments approved on October 14, 1971. In order to promote orderly marketing it is essential that all persons selling and importing such products be able as soon as possible to make plans based on the new import quota. Therefore, it is hereby determined and found that compliance with the effective date requirements of 5 U.S.C. 553 is unnecessary, impracticable and contrary to the public interest and this amendment shall be effective on January 1, 1972.

Signed at Washington, D.C., on December 28, 1971.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.71-19148 Filed 12-29-71;8:53 am]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Orange Reg. 69, Amdt. 6]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Shipments

Notice was published in the FEDERAL REGISTER on December 16, 1971 (36 F.R. 23925), that consideration was being given to a proposal relative to limitation of shipments of oranges, including Temple and Murcott Honey oranges, handled between the production area and any point outside thereof in the continental United States, Canada, or Mexico, recommended by the committees, established under the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

The notice afforded 7 days for interested persons to submit written data, views, or arguments in connection with said proposal. None were received.

The recommendation by the committees to extend current grade and size limitations for certain varieties of oranges during the period January 10, 1972, through October 1, 1972, is consistent with current market information submitted by the committees in accordance with § 905.51 of said marketing agreement and order. The minimum grade and size requirements specified for Temple and Murcott Honey oranges are prescribed during the present stage of maturity to prevent the shipment of oranges of a lower quality or smaller size which could adversely affect the overall price structure for better quality fruit. The minimum grade and size requirements specified for oranges, other than Temple and Murcott Honey oranges, is consistent with the available supply of and demand for such oranges and reflects the good external appearance and size development of such fruits at the present stage of maturity.

After consideration of all relevant matter presented, including the proposal set forth in the aforesaid notice and other available information, it is hereby found that the limitation of shipments of oranges, including Temple and Murcott Honey oranges, as hereinafter set forth, is in accordance with said amended marketing agreement and order and will tend to effectuate the declared policy of the act.

It is hereby further found that good cause exists for making the aforesaid amendment effective at the time hereinafter set forth and for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) notice of proposed rule making concerning this amendment, with an effective date of January 10, 1972, was published in the FEDERAL REGISTER on December 16, 1971 (36 F.R. 23925), and no objection to this amendment or such effective date was received; (2) the recommendations and supporting information for regulation of oranges, including Temple and Murcott Honey oranges, during the period specified herein were submitted to the Department after open meetings of the committees on December 2, 1971, which were held to consider recommendations for regulation, after giving due notice of such meetings, and interested persons were afforded an opportunity to submit their views at these meetings; (3) the provisions of this amendment, including the effective time hereof, are identical with the aforesaid recommendations of the committees; (4) information concerning such provisions and effective time has been disseminated among handlers of such oranges, and (5) compliance with the regulation will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

Order. In § 905.536 (Orange Regulation 69, 36 F.R. 20215, 22054, 22666, 23353, 23617, 23575) the provisions of paragraph (a) preceding subparagraph (1) thereof are amended to read as follows:

§ 905.536 Orange Regulation 69.

(a) During the period January 10, 1972, through October 1, 1972, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

* * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: December 27, 1971.

PAUL A. NICHOLSON,
Acting Director, Fruit and Vegetable Division, Consumer Marketing Service.

[FR Doc.71-19133 Filed 12-30-71;8:47 am]

Chapter X—Consumer and Marketing Service (Marketing Agreements and Orders; Milk), Department of Agriculture

[Milk Order 40]

PART 1040—MILK IN THE SOUTHERN MICHIGAN MARKETING AREA

Order Suspending a Certain Provision

This suspension order is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the southern Michigan marketing area.

Notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 23161) concerning a proposed suspension of a certain provision of the order. Interested persons were afforded opportunity to file written data, views, and arguments thereon. None were filed in opposition.

After consideration of all relevant material, including the proposal set forth in the aforesaid notice, data, views, and arguments filed thereon, and other available information, it is hereby found and determined that for the months of January through June 1972 the provision "yogurt," contained in § 1040.12, the fluid milk product definition under the order, does not tend to effectuate the declared policy of the Act.

STATEMENT OF CONSIDERATION

This suspension order will continue the effect of the present suspension which results in milk used to produce yogurt being classified and priced as class III milk rather than as class I milk. The current suspension expires December 31, 1971.

Handlers who distribute a major portion of the producer milk under the southern Michigan order requested that the present suspension be continued for 6 months. There is no indication of any opposition to this suspension action.

The continuation of marketing conditions which supported the previous suspension warrant suspension for an additional 6 months. Southern Michigan handlers compete for yoguart sales with handlers in neighboring Federal order markets who pay a minimum price for milk in such use that is substantially less than the southern Michigan class I price. Without this suspension, southern Michigan handlers will be unable to compete on a reasonable basis for yogurt sales.

A hearing on this issue for the southern Michigan market has been delayed pending the Department's recommendations on proposals to adopt a uniform plan of milk classification for seven Midwest Federal order markets, including several in which Michigan handlers are distributing yogurt. A recommended decision on such a uniform classification plan was issued June 4, 1971.

Southern Michigan handlers in requesting extension of the suspension asked that a hearing on the appropriate classification of yogurt be delayed until the issuance of a final decision in the seven markets and the issuance of a recommended decision on a uniform plan of milk classification for an additional 33 milk orders. A hearing involving these 33 markets was concluded on November 18, 1971.

It is hereby found and determined that 30 days' notice of the effective date hereof is impractical, unnecessary, and contrary to the public interest in that:

(a) This suspension is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area in that without this action southern Michigan handlers will be unable to compete on a reasonable basis for yogurt sales with handlers in neighboring markets who pay a minimum price for milk in such use that is substantially less than the southern Michigan order class I price;

(b) This suspension order does not require of persons affected substantial or extensive preparation prior to the effective date; and

(c) This suspension continues the effect of a previous suspension of the same provisions. Notice of proposed rulemaking was given interested parties and they were afforded opportunity to file written data, views, or arguments concerning this suspension.

Therefore, good cause exists for making this order effective January 1, 1972.

It is therefore ordered, That the aforesaid provision of the order hereby is suspended for the months of January through June 1972.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: January 1, 1972.

Signed at Washington, D.C., on December 27, 1971.

RICHARD E. LYNG,
Assistant Secretary.

[FR Doc.71-19129 Filed 12-30-71;8:46 am]

[Milk Order 94]

PART 1094—MILK IN THE NEW ORLEANS, LOUISIANA, MARKETING AREA

Order Suspending Certain Provisions

This suspension order is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the New Orleans, La., marketing area.

It is hereby found and determined that for the month of January 1972 the following provisions of the order do not tend to effectuate the declared policy of the Act:

1. In § 1094.14(b), "during any month(s) of December and February through August"; and
2. In § 1094.14, all of paragraph (c).

STATEMENT OF CONSIDERATION

This suspension will remove the present limitation on the amount of milk that may be diverted during the month of January by a handler or a cooperative association to nonpool plants as producer milk.

Milk production in this market has been running substantially ahead of a year ago. Because of the limited manufacturing facilities of the pool plants, it has been necessary to divert substantial quantities of milk to nonpool manufacturing plants.

The order limits the amount of milk which may be diverted as producer milk during the month of January. If this limitation on diversion is not suspended for the month of January, there is a likelihood that handlers will be unable to pool all the milk of producers who regularly supply the market. This would work a severe hardship on those producers whose milk was affected.

This suspension was requested by Dairymen, Inc., a cooperative association which is the major source of supply for the market.

A proposal to ease the restrictions on diversions was considered at a hearing held in New Orleans, La., on August 11 and 12, 1971. Based on the record of that hearing a proposed amendment, which would permit a greater quantity of milk to be diverted, has been submitted to producers for their approval.

The suspension action taken here will afford the necessary relief pending amendment of the order.

It is hereby found and determined that notice of proposed rule making, public procedure thereon, and 30 days' notice of the effective date hereof are impractical, unnecessary, and contrary to the public interest in that:

(a) This suspension is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area in that it will facilitate more economical and efficient disposal of surplus milk;

(b) This suspension order does not require of persons affected substantial or extensive preparation prior to the effective date; and

(c) A proposal to ease the restrictions on diversion was considered at a hearing held in New Orleans, La., on August 11 and 12, 1971. Based on the record of that hearing a proposed amendment, which would permit a greater quantity of milk to be diverted, has been submitted to producers for their approval. The suspension action taken here will afford the necessary relief pending amendment of the order.

Therefore, good cause exists for making this order effective January 1, 1972.

It is therefore ordered, That the aforesaid provisions of the order are hereby suspended for the month of January 1972.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Effective date: January 1, 1972.

Signed at Washington, D.C., on December 27, 1971.

RICHARD E. LYNG,
Assistant Secretary.

[FR Doc.71-19130 Filed 12-30-71;8:46 am]

[Milk Order 132]

PART 1132—MILK IN THE TEXAS PANHANDLE MARKETING AREA

Order Suspending Certain Provisions

This suspension order is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the Texas Panhandle marketing area.

It is hereby found and determined that beginning with December 1971 the following provisions of the order do not tend to effectuate the declared policy of the Act:

In § 1132.44, paragraph (c), and in paragraph (d) the language, "located not more than 350 miles, by the shortest highway distance as determined by the market administrator, from the nearest point in the marketing area,".

STATEMENT OF CONSIDERATION

This action suspends the provisions which automatically classify as Class I milk fluid milk products transferred or diverted from a pool plant to a nonpool plant located more than 350 miles from the nearest point in the marketing area. Presently, the Class I classification applies regardless of the use of the fluid milk product at the nonpool plant.

The suspension was requested by a handler regulated under the Texas Panhandle order who has accumulated substantial quantities of excess cream. With limited manufacturing outlets in the local area he does not have sufficient flexibility under the present classification provisions in seeking the most remunerative outlet for surplus cream.

A proposal by producers to delete these and other similar mileage limitations in 33 orders (including this order) was considered at a hearing held in Atlanta, Ga., on October 18-20, 1971, in Dallas, Tex., on November 9-10, 1971, and in Bloomington, Minn., on November 16-18, 1971. There was no opposition to the proposal.

This suspension will promote the orderly marketing of milk in the Texas Panhandle market until the issue is resolved through the hearing procedure. In the meantime, this action will result in movements of fluid milk products to nonpool plants being classified and priced on the basis of the ultimate use of the product. Since Federal orders now operate throughout much of the United States, arrangements for verifying the utilization at distant plants can be made easily through the facilities of the various market administrators' offices.

It is hereby found and determined that notice of proposed rule making, public procedure thereon, and 30 days' notice of the effective date hereof are impractical, unnecessary and contrary to the public interest in that:

(a) This suspension is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area in that it will facilitate the orderly disposal of excess fluid milk products to any manufacturing plant;

(b) This suspension order does not require of persons affected substantial or extensive preparation prior to the effective date; and

(c) Producers supported a proposal similar to this suspension at a public hearing held in Atlanta, Ga., on October 18-20, 1971, in Dallas, Tex., on November 9-10, 1971, and in Bloomington, Minn., on November 16-18, 1971. There was no opposition to the proposal. Interim action is appropriate pending amendatory procedures.

Therefore, good cause exists for making this order effective upon publication in the FEDERAL REGISTER.

It is therefore ordered, That the aforesaid provisions of the order are hereby suspended beginning with December 1971.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Effective date: Upon publication in the FEDERAL REGISTER (12-31-71).

Signed at Washington, D.C., on December 27, 1971.

RICHARD E. LYNG,
Assistant Secretary.

[FR Doc.71-19131 Filed 12-30-71;8:46 am]

Title 12—BANKS AND BANKING

Chapter V—Federal Home Loan Bank Board

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

[No. 71-1353]

PART 545—OPERATIONS

Mobile Facilities

DECEMBER 28, 1971.

Whereas, by Resolution No. 71-1149, dated October 28, 1971, and duly published in the FEDERAL REGISTER on November 6, 1971 (36 F.R. 21363), this Board proposed to amend Part 545 of the rules and regulations for the Federal Savings and Loan System (12 CFR Part 545), the substance of which proposal was set out in said publication; and

Whereas, all relevant material presented or available has been considered by the Board;

Now, therefore, be it resolved, that this Board hereby determines to adopt the amendment, as proposed, without change, effective January 1, 1972.

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943-48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

[SEAL] EUGENE M. HERRIN,
Assistant Secretary.

Amend Part 545 by revising paragraph (c)(3) of § 545.14-4 thereof to read as follows:

§ 545.14-4 Mobile facility.

* * * * *

(c) *Action by the Board.* Each application by a Federal association which is an eligible association under the provisions of paragraph (b) of this section will be considered or processed pursuant to the provisions of this section. The Board's approval of any such application will be subject to the following provisions and any other conditions, requirements, and limitations the Board may specify in a particular case:

* * * * *

(3) Any such facility shall be open for business at the same location on the same day or days (not to exceed 3 days) of each week, during such hours, aggregating a total of not less than 4 hours a day, as the association's board of directors may from time to time determine;

* * * * *

[FR Doc.71-19136 Filed 12-30-71;8:47 am]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 72-3]

PART 8—LIABILITY FOR DUTIES; ENTRY OF IMPORTED MERCHANDISE

Evidence of Right To Make Entry Where Merchandise Is Released From Customs Custody to Carrier

The following regulation will make optional the production of documentary evidence of the right to make entry by the consignee in those cases where Customs releases merchandise to the carrier, not to the order of the carrier. Under this paragraph the carrier's act of delivering the goods to the person making entry is considered to be the certification that such person is owner or consignee. Present procedure requires that the person making entry either produce a bill of lading or a certificate executed by the carrier certifying that the person named therein is the owner or consignee.

Section 8.6 is amended by adding thereto a paragraph (n) reading:

§ 8.6 Evidence of right to make entry; legal representative of consignee; nonresident consignee; foreign corporation; underwriters and salvors.

* * * * *

(n) Where, in accordance with subsection (j) of section 484, Tariff Act of 1930, as amended, merchandise is released from Customs custody (either under immediate delivery procedures in accordance with the provisions o. § 8.59 or after an entry has been made and estimated duties deposited, where appropriate) to the carrier by whom the merchandise was brought to the port, the delivery of the merchandise by the carrier to the person making entry and depositing the estimated duties shall be deemed to be the certification required by subsection (h), section 484, Tariff Act of 1930. Customs responsibility under this optional entry procedure is limited to the collection of duties, and constitutes no representation whatsoever regarding the right of any person to obtain possession of the merchandise from the carrier. Consequently, no Customs official shall be liable to any person in respect to the delivery of merchandise released from Customs custody in accordance with the provision of this paragraph.

(Sec. 484, 46 Stat. 722, as amended; 19 U.S.C. 1484)

(R.S. 251, as amended, sec. 624, 46 Stat. 759; 19 U.S.C. 66, 1624)

Notice of proposed rule making was published in the FEDERAL REGISTER for January 16, 1971 (36 F.R. 781). Interested persons were given an opportunity to submit relevant data, views, or arguments in writing regarding the proposed amendment. All comments received have been carefully considered.

Effective date. This amendment shall become effective 30 days after publication in the FEDERAL REGISTER (12-31-71).

[SEAL] EDWIN F. RAINS,
Acting Commissioner of Customs.

Approved: December 13, 1971.

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[FR Doc.71-19128 Filed 12-30-71;8:46 am]

Title 24—HOUSING AND URBAN DEVELOPMENT

Chapter II—Office of Assistant Secretary for Housing Production and Mortgage Credit—Federal Housing Commissioner [Federal Housing Administration]

SUBCHAPTER A—GENERAL

[Docket No. R-71-157]

PART 200—INTRODUCTION

Delegations of Basic Authority and Functions

The redelegations of authority to the Assistant Commissioner for Unsubsidized Housing Programs and the Assistant Commissioner for Subsidized Housing Programs are amended by adding the authority to insure supplemental loans under section 241 of the National Housing Act. Additionally, "nonprofit" is deleted in connection with mortgage insurance for hospitals to reflect the HUD Act of 1970. Since this amendment relates to Department management and personnel, notice and public procedure, and a delayed effective date are not required. Accordingly, Subpart D of Part 200 is amended as follows:

1. In the Table of Contents, the heading of § 200.58d is amended to read:

Sec.
200.58d Chief Hospitals and Group Practice Branch.

2. In § 200.56, paragraph (b) is amended and a new paragraph (g) is added to read as follows:

§ 200.56 Assistant Commissioner Unsubsidized Insured Housing Programs and Deputy.

* * * * *

(b) To develop and recommend policies and establish operating plans and procedures for the insurance of multifamily housing mortgages under sections 207, 213, 231, 234, and 221(d)(4), nursing homes, intermediate care facilities, group practice facilities, and hospitals.

* * * * *

(g) To develop policies and procedures for the insurance of supplemental loans under section 241 as they apply to multifamily housing projects insured under sections 207, 213, 231, 234, and 221(d)(4), nursing homes, intermediate care facilities, and group practice facilities.

3. In § 200.58, paragraphs (a) and (c) are amended and a new paragraph (e) is added, to read as follows:

§ 200.58 Director Multifamily Division and Deputy.

* * * * *

(a) To develop and recommend policies and establish operating plans for the insurance of multifamily housing mortgages under sections 207, 213, 231, 234, and 221(d)(4), nursing homes and intermediate care facilities; insurance of equity investments in multifamily housing, and insurance of mortgages for the construction and equipment of facilities for the group practice of medicine and hospitals.

* * * * *

(c) To be responsible for the administration of FHA's responsibility with respect to the hospital mortgage insurance program and for coordination with the Department of Health, Education, and Welfare on the program.

* * * * *

(e) To develop policies and procedures for the insurance of supplemental loans under section 241 as they apply to multifamily housing projects insured under sections 207, 213, 231, 234, and 221(d)(4), nursing homes, intermediate care facilities, and group practice facilities.

4. In § 200.58d, the heading, introductory text and paragraphs (a) and (b) are amended, to read as follows:

§ 200.58d Chief Hospitals and Group Practice Branch.

To the position of Chief of the Hospitals and Group Practice Branch, there is delegated the following basic authority and functions:

(a) To develop and recommend policies, procedures, requirements, and methods of operation for the insurance of mortgages for the construction and equipment of facilities for the group practice of medicine and for hospitals.

(b) To be responsible for the administration of FHA's responsibility with respect to the hospital mortgage insurance program and for coordination with the Department of Health, Education, and Welfare on the program.

5. In § 200.59, a new paragraph (h) is added, to read as follows:

§ 200.59 Assistant Commissioner Subsidized Housing Programs and Deputy.

* * * * *

(h) To develop policies and procedures for the insurance of supplemental loans under section 241 as they apply to projects insured under section 221(d)(3) at below market interest rates, section 236 rental housing assistance program, section 243 cooperative and condominium housing of the homeownership for middle-income families program and projects receiving subsidies under the rent supplement program.

6. In § 200.61, a new paragraph (d) is added, to read as follows:

§ 200.61 Director Subsidized Mortgage Insurance Division and Deputy.

* * * * *

(d) To develop policies and procedures for the insurance of supplemental loans under section 241 as they apply to projects insured under section 221(d)(3) at below market interest rates, section 236 rental housing assistance program, section 243 cooperative and condominium housing of the homeownership for middle-income families program and projects receiving subsidies under the rent supplement program.

7. In § 200.61f, a new paragraph (d) is added, to read as follows:

§ 200.61f Chief Multifamily Housing Assistance Branch.

* * * * *

(d) To develop policies and procedures for the insurance of supplemental loans under section 241 as they apply to projects insured under section 221(d)(3) at below market interest rates, section 236 rental housing assistance program, section 243 cooperative and condominium housing of the homeownership for middle-income families program and projects receiving subsidies under the rent supplement program.

(Sec. 1, 48 Stat. 1246; 12 U.S.C. 1702; sec. 7(d), 79 Stat. 670; 42 U.S.C. 3535(d); Secretary's delegation to Assistant Secretary-Commissioner published at 36 F.R. 5006)

Effective date. This amendment is effective on publication in the FEDERAL REGISTER (12-31-71).

EUGENE A. GULLEDGE,
Assistant Secretary-Commissioner.

[FR Doc.71-19111 Filed 12-30-71;8:45 am]

[Docket No. R-71-158]

PART 200—INTRODUCTION

Delegations of Basic Authority and Functions

The redelegation of authority to Area Directors and Deputy Area Directors in § 200.118, with respect to the low-rent public housing program, is amended to make clear that such authority encompasses making the determination that there is no practical alternative to high-rise elevator projects for families with children before approving such project, under section 15(11) of the U.S. Housing Act of 1937 (42 U.S.C. 1415). Since this amendment relates to Department management, notice and public procedure and a delayed effective date are not required.

Accordingly, § 200.118(c) is revised to read as follows:

§ 200.118 Area Director and Deputy Area Director.

* * * * *

(c) To approve applications for program reservations and preliminary loans, to determine that there is no practical alternative to high-rise elevator projects for families with children before approving such projects, to approve ACC (Annual Contributions Contract) Lists and amendments thereto, to approve part II of certificates of completion or consolidated certificates, and to terminate ACC's (Annual Contributions Contracts), all as related to the production of low-rent public housing.

* * * * *

Effective date. This amendment is effective October 30, 1970.

(Sec. 7(d), 79 Stat. 670; 42 U.S.C. 3535(d); Secretary's delegation to Assistant Secretary-Commissioner published at 36 F.R. 5006)

Issued at Washington, D.C., December 27, 1971.

EUGENE A. GULLEDGE,
Assistant Secretary-Commissioner.

[FR Doc. 71-19112 Filed 12-30-71;8:45 am]

Title 31—MONEY AND FINANCE: TREASURY

Chapter II—Fiscal Service, Department of the Treasury

SUBCHAPTER B—BUREAU OF THE PUBLIC DEBT

PART 342—OFFERING OF U.S. SAVINGS NOTES

Notes Bearing Issue Dates from May 1, 1967

Table 2, of Department Circular No. 3-67, Revised, dated June 19, 1968, as amended (31 CFR Part 342), is hereby supplemented by the addition of Table 2-A, as set forth below.

Dated: December 27, 1971.

[SEAL]

JOHN K. CARLOCK,
Fiscal Assistant Secretary.

TABLE 2-A

NOTES BEARING ISSUE DATES FROM MAY 1, 1967 [1]

Denomination		$25.00	$50.00	$75.00	$100.00	Approximate investment yield (annual percentage rate)		
Issue price		20.25	40.50	60.75	81.00			
Period after original maturity (beginning 4 years 6 months after issue date)		(1) Redemption values during each half-year period (values increase on first day of period shown) EXTENDED MATURITY PERIOD				(2) From beginning of extended maturity period to beginning of each half-year period	(3) From beginning of each half-year period to beginning of next half-year period	(4) From beginning of each half-year period to extended maturity [3]
						Percent	Percent	Percent
First ½ year	[2] (11/1/71)	$25.00	$50.00	$75.00	$100.00	0.00	5.52	5.50
½ to 1 year	(5/1/72)	25.69	51.38	77.07	102.76	5.52	5.45	5.50
1 to 1½ years	(11/1/72)	26.39	52.78	79.17	105.56	5.48	5.53	5.50
1½ to 2 years	(5/1/73)	27.12	54.24	81.36	108.48	5.50	5.53	5.50
2 to 2½ years	(11/1/73)	27.87	55.74	83.61	111.48	5.51	5.45	5.50
2½ to 3 years	(5/1/74)	28.63	57.26	85.89	114.52	5.50	5.52	5.50
3 to 3½ years	(11/1/74)	29.42	58.84	88.26	117.68	5.50	5.51	5.50
3½ to 4 years	(5/1/75)	30.23	60.46	90.69	120.92	5.50	5.49	5.50
4 to 4½ years	(11/1/75)	31.06	62.12	93.18	124.24	5.50	5.47	5.50
4½ to 5 years	(5/1/76)	31.91	63.82	95.73	127.64	5.50	5.52	5.50
5 to 5½ years	(11/1/76)	32.79	65.58	98.37	131.16	5.50	5.49	5.50
5½ to 6 years	(5/1/77)	33.69	67.38	101.07	134.76	5.50	5.52	5.50
6 to 6½ years	(11/1/77)	34.62	69.24	103.86	138.48	5.50	5.49	5.50
6½ to 7 years	(5/1/78)	35.57	71.14	106.71	142.28	5.50	5.51	5.50
7 to 7½ years	(11/1/78)	36.55	73.10	109.65	146.20	5.50	5.47	5.50
7½ to 8 years	(5/1/79)	37.55	75.10	112.65	150.20	5.50	5.54	5.50
8 to 8½ years	(11/1/79)	38.59	77.18	115.77	154.36	5.50	5.49	5.50
8½ to 9 years	(5/1/80)	39.65	79.30	118.95	158.60	5.50	5.50	5.50
9 to 9½ years	(11/1/80)	40.74	81.48	122.22	162.96	5.50	5.50	5.50
9½ to 10 years	(5/1/81)	41.86	83.72	125.58	167.44	5.50	5.49	5.49
EXTENDED MATURITY VALUE (14 years and 6 months from issue date)	(11/1/81)	**43.01**	**86.02**	**129.03**	**172.04**	[4] 5.50		

[1] Yields also apply to notes with issue dates June 1, 1967, through May 1, 1968, unless tables showing different yields are published. (See sec. 342.2a, Dept. Circ. Public Debt Series No. 3-67, 1st Amdt.)

[2] Month, day, and year on which issues of May 1, 1967, enter each period. For subsequent issue months add the appropriate number of months.

[3] Based on extended maturity value in effect on the beginning date of the half-year period.

[4] Yield on purchase price from issue date to extended maturity date is 5.26 percent.

[FR Doc.71-19106 Filed 12-30-71;8:45 am]

Title 36—PARKS, FORESTS, AND MEMORIALS

Chapter I—National Park Service, Department of the Interior

PART 15—USE OF ENVIRONMAN AND HUMAN FIGURE AND DESIGN SYMBOL

Pursuant to the authority of 16 U.S.C. sec. 1 and 5 U.S.C. sec. 301, there is hereby added Part 15 of Title 36 of the Code of Federal Regulations.

The purpose of this notice is to give notice that the name "Environman" and an environman symbol named "Human Figure and Design," are owned by the U.S. Government and registration in accordance with the Act of July 5, 1946 (60 Stat. 429; 15 U.S.C. section 1053) is pending, and to provide a procedure by which a person may obtain a license to use these service marks.

Part 15 of Title 36 is added to read as follows:

Sec.
15.1 Environman and environman symbol.
15.2 License to reproduce, manufacture, sell, or use.

AUTHORITY: The provisions of this Part 15 issued under 16 U.S.C. 1 and 5 U.S.C. 301.

§ 15.1 "Environman" and environman symbol.

(a) The name "Environman" and an environman symbol, herein depicted, which symbol is identified as "Human Figure and Design" are service marks belonging to the National Park Service.

(b) These service marks identify man in his environment, which environment is composed of conflicting and harmonizing elements which affect, and are affected by man.

(c) The purpose of the service marks is to identify the role of the U.S. Government, and that of its licenses pursuant hereto, in promoting high-quality environmental education, and to represent and symbolize such activities. The "Human Figure and Design" is the official sign to identify a National Environmental Study Area (NESA). The name "Environman" is used in connection with NESA's and that name and the "Human Figure and Design" are used in connection with National Environmental Education Developments (NEED's), and National Environmental Education Landmarks (NEEL's). The service marks are intended for further uses in connection with environmental education.

§ 15.2 License to reproduce, manufacture, sell or use.

(a) A person wishing a license to reproduce, manufacture, sell, or use either of these service marks must make application to the Director, National Park Service, stating precisely the nature and scope of the intended use.

(b) The Director, National Park Service, in determining in his discretion whether to issue a license for the reproduction, manufacture, sale, or use of "Environman" or the "Human Figure and Design" will consider the following:

(1) Whether the proposed activity will have a definite and helpful connection with high-quality environmental education which would complement the National Park Service programs in this field.

(2) Whether the proposed activity will be an enhancement of other established programs or activities involving environmental education.

(3) Whether the issuance of a license will further the goal of high-quality environmental education.

(c) Any license granting the right of reproduction, manufacture, sale, or use of "Environman" or the "Human Figure and Design" shall be revocable, and shall contain such other conditions as may be prescribed by the Director.

LAWRENCE C. HADLEY,
Acting Director,
National Park Service.

[FR Doc.71-19096 Filed 12-30-71;8:45 am]

Title 37—PATENTS, TRADEMARKS, AND COPYRIGHTS

Chapter I—Patent Office, Department of Commerce

PART 2—RULES OF PRACTICE IN TRADEMARK CASES

Access to Pending Applications

A proposal was published at 36 F.R. 16194 to amend § 2.27 by deleting the requirement to show good cause in order to obtain access to a pending application file.

After consideration of all comments and suggestions submitted by interested persons, the amendment as proposed is hereby adopted, subject to the following changes:

1. The title of § 2.27 is changed by inserting the word "trademark" after the word "pending."

2. In paragraph (b) of § 2.27 the word "trademark" after the word "pending" is deleted.

Access to a pending application will be granted upon oral request at the office of the Director of the Trademark Examining Operation. The files will be ordered at 2 p.m. each day and will usually be available for inspection by 3 p.m. the same day. Files must be inspected in the presence of office personnel and papers may not be removed without authorization. Copies of the contents of files may be made only in the Trademark Search Room or by the Document Service Branch. Written requests for copies of the contents of application files may be addressed to the Document Service Branch; the cost is 30 cents per page.

The procedure for access to published and registered files and terminated inter partes proceedings will remain unchanged. Access to a published application is granted by request in the Trademark Docket Section. In order to obtain access to a registered file or terminated inter partes proceeding, an order must be placed in the Trademark Docket Section. These files are available either the same day or the morning of the following day.

Effective date. This amendment is effective on the date of its publication in the FEDERAL REGISTER (12-31-71).

ROBERT GOTTSCHALK,
Acting Commissioner of Patents.

DECEMBER 21, 1971.

JAMES H. WAKELIN, Jr.,
Assistant Secretary for
Science and Technology.

DECEMBER 22, 1971.

The text of the revised section is as follows:

§ 2.27 Pending trademark application index; access to applications.

(a) An index of pending applications including the name and address of the applicant, a reproduction or description of the mark, the goods or services with which the mark is used, the class number, the dates of use, and the serial number and filing date of the application will be available for public inspection as soon as practicable after filing.

(b) Access to the file of a particular pending application will be permitted prior to publication under § 2.81 upon written request.

(c) Decisions of the Commissioner and the Trademark Trial and Appeal Board in applications and proceedings relating thereto are published or available for inspection or publication.

(d) After a mark has been registered, or published for opposition, the file of the application and all proceedings relating thereto are available for public inspection and copies of the papers may be furnished upon paying the fee therefor.

[FR Doc.71-19081 Filed 12-30-71;8:45 am]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 5A—Federal Supply Service, General Services Administration

MISCELLANEOUS AMENDMENTS TO CHAPTER

Chapter 5A of Title 41 is amended as follows:

PART 5A-7—CONTRACT CLAUSES

Subpart 5A-7.1—Fixed-Price Supply Contracts

Section 5A-7.101-77 is revised as follows:

§ 5A-7.101-77 Availability for inspection and testing and delivery.

The following clause may be used in requirements type solicitations at the discretion of the contracting officer:

AVAILABILITY FOR INSPECTION AND TESTING AND DELIVERY

The Government requires that supplies listed herein be made available for inspection and testing within — days after receipt of order and be delivered to destination within — days after notice of approval and release by the appropriate Government inspection representative.

If the contractor fails to make the supplies available for inspection and testing within the number of days after receipt of order specified above, or fails to make delivery to destination within the number of days after notice of approval and release by the Government inspection representative, the contractor shall be deemed to have failed to make delivery within the purview of Article 11(a)(1) of the General Provisions, Standard Form 32.

PART 5A-14—INSPECTION AND ACCEPTANCE

The table of contents of Part 5A-14 is amended to add the following entries:

AUTHORITY: The provisions of this Subpart 5A-14.1 issued under sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c); 41 CFR 5-1.101(c).

Subpart 5A-14.1—Inspection

Sections 5A-14.101, 5A-14.105, and 5A-14.105-1 are added as follows:

§ 5A-14.101 General.

(a) The Federal Supply Service Quality Approved Manufacturer program requires the manufacturer to perform all inspections and tests in the purchase description or governing specification, with the Government maintaining periodic verification inspections to insure that the contractor is meeting all requirements of the contract. Manufacturers who have had an excellent performance record are considered for inclusion under this program, if they maintain a quality control system which insures the reliability of the written description outlining their quality control system.

(b) This method of Government quality control is established by formal written agreement between the manufacturer and the Government. This agreement when entered into becomes a part of the contract and warrants the product for a 6-month period (see § 5A-76.316), as prescribed by the HB, Supply Operations, chapter 13, volume 5 (FSS P 2900.5).

§ 5A-14.105 Places of inspection.

§ 5A-14.105-1 General.

The criteria for designating the place of inspection (origin or destination) are as follows:

(a) Origin inspection shall be designated on the following contracts and on all purchase orders issued against:

(1) National term contracts;

(2) Assigned Federal Supply Schedules;

(3) Motor vehicle contracts except contracts for the procurement of standard vehicles (i.e., one which does not deviate from supplier's regular line, and which conforms with specification), on which contract administration only will be performed, and vehicles shipped outside the 48 contiguous States and the District of Columbia;

(4) Regional term contracts having an estimated value of $15,000 or over except that, regardless of amount, contracts for wiping rags will be designated destination inspection; and

(5) Definite quantity, definite delivery type contracts with multiple consignees, except that contracts for wiping rags will be designated destination inspection and contracts over $2,500 for class 8010 items will be designated origin inspection.

(b) Origin inspection shall be designated on all orders over $2,500 except for wiping rags.

(c) Origin inspection may also be designated in other instances where the head of the buying activity determines it would be in the best interests of the Government due to the critical nature of the material and fact that the quality performance of the supplier is unknown. In these instances, the buying activity will notify the appropriate Quality Control Division office that the contract provides for origin inspection and state the reason therefor.

(d) Destination inspection shall be designated on all other orders.

Subpart 5A-14.2—Acceptance

Section 5A-14.206-1 is amended as follows:

§ 5A-14.206-1 Acceptance of nonconforming supplies or services.

* * * * *

(b) If the contracting officer or his authorized representative determines that acceptance of nonconforming supplies or services is in the Government's best interest, and a significant deviation as defined in § 1-14.206 of this title is involved, a request for deviation shall be processed through the Office of Standards and Quality Control, except when a region has the full responsibility for the development and maintenance of specifications, purchase decriptions, and stock item purchase descriptions which describe all of the technical requirements necessary to procure the items and do not refer to other documents and have full supply responsibility for all of the items pertaining thereto. In these instances, the regional director, FSS, shall approve significant deviations. A copy of each such approval shall be sent to the Office of Standards and Quality Control. Requests for deviation shall contain (1) a copy of the pertinent specification and Invitation For Bids, (2) the basic reason(s) why the item does not conform to contract requirements, (3) a statement as to whether or not a similar deficiency was the basis for rejection of an otherwise low bid received on the same Invitation For Bids, and (4) the reasons why it is in the best interest of the Government to accept the nonconforming item(s). However, requests in which urgency of acceptance is a factor shall be handled by telephone or other expeditious means. Regional offices shall forward a copy of all requests for deviation to the appropriate POD commodity branch. With the concurrence to grant the deviation, the Office of Standards and Quality Control shall furnish the contracting officer with a reasonable estimate of the savings in costs which will accrue to the contractor as a result of the deviation and the amount of surcharge (generally 15 percent of the cost savings) for any administrative costs incurred by the General Services Administration. The contracting officer shall be guided by the estimate furnished by the Office of Standards and Quality Control in negotiating an equitable price reduction (including direct and indirect costs, plus profit) for the deviation.

* * * * *

PART 5A-53—CONTRACT ADMINISTRATION

Subpart 5A-53.4—Contract Performance

Section 5A-53.471-3 is amended as follows:

§ 5A-53.471-3 Procurement Operations Division action.

* * * * *

(c) If the circumstances reported do not appear to warrant request for investigation by the Office of Audits and Investigations (OAI), or if the OAI does not concur that an investigation should be conducted, the report shall be filed in POD in such a manner that any subsequent information received concerning the same vendor may be readily associated therewith. In either case POD shall promptly advise the regional office concerned as to the action taken.

Section 5A-53.472 is amended as follows:

§ 5A-53.472 Issuance of preliminary notice of default.

(a) Quality control representatives are hereby authorized and directed to act as representatives of the contracting officer with regard to the issuance of a preliminary notice of default pursuant to paragraph (a)(1), Article 11, General Provisions (Supply Contract), regardless of the reason timely delivery of conforming supplies was not made. As a rule, a preliminary notice shall be issued when, notwithstanding efforts by the quality control representative in connection with his contract administration assistance functions, a contractor has failed to make delivery within the time specified. However, in unusual situations relating to a particular contract, after obtaining approval from the Regional Director, FSS, or the Director, Procurement Operations Division, as applicable, the contracting officer may direct that the quality control representative not issue a preliminary notice of default without prior clearance of the contracting officer. In addition, quality control representatives shall not issue a preliminary notice of default against nonstores AID contracts awarded by the Special Programs Division, Office of Procurement. The rejection for nonconformance with specification requirements of supplies made available for inspection and testing does not mandatorily require subsequent issuance of a preliminary notice of default pursuant to paragraph (a)(ii), Article 11. However, such issuances may only be made by the contracting officer.

* * * * *

PART 5A-72—REGULAR PURCHASE PROGRAMS OTHER THAN FEDERAL SUPPLY SCHEDULE

Subpart 5A-72.1—Procurement of Stores Stock Items

Section 5A-72.105-9 is revised as follows:

§ 5A-72.105-9 Inspection.

(a) *General policy.* The general policy is to provide for inspection at origin except where such inspection is not feasible or economical. This is particularly important in invitations covering requirements of more than one region, and in contracts for commodities regularly ordered for direct delivery to agencies. The criteria for designating the place of inspection is covered in § 5A-14.105 of this chapter. The provision to be inserted in each invitation for bids where it is determined that there will be origin inspection is contained in § 5A-2.201-78 of this chapter. Contracts which require the contractor to have specified quantities ready for shipment on specific dates must also provide that the applicable regional Quality Control Division be given adequate notification to perform inspection.

(b) *Contract documents for Quality Control Division.* Distribution of contractual documents is covered in § 5A-76.201 of this chapter. With respect to quality control copies of contractual documents, experience has shown that they are received more promptly if the purchase activity forwards them directly to the Quality Control Division in the regional office which will perform quality control and field contract administration. The Procurement Operations Division and each regional Procurement Division shall take positive steps to insure that necessary copies of contractual documents and purchase orders are distributed to the appropriate regional Quality Control Division simultaneously with their release to suppliers. Where origin inspection is specified, it is essential that copies of documents furnished to quality control activities show the location from which the material will be shipped.

PART 5A-76—EXHIBITS

The table of contents of Part 5A-76 is amended to add the following entries:

NOTE: The new exhibits identified in §§ 5A-76.122 and 5A-76.316 are filed as part of the original document. Copies may be obtained from the General Services Administration (FPP), Washington, D.C. 20406.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c); 41 CFR 5-1.101(c))

Effective date. These regulations are effective 30 days after the date shown below.

Dated: December 17, 1971.

L. E. SPANGLER,
Acting Commissioner, Federal Supply Service.

[FR Doc.71-19110 Filed 12-30-71;8:45 am]

Miscellaneous Amendments to Title

Title 41 of the Code of Federal Regulations is amended as follows:

Chapter 101—Federal Property Management Regulations

SUBCHAPTER B—ARCHIVES AND RECORDS

PART 101-11—RECORDS MANAGEMENT

Section 101-11.410 is amended to reflect the establishment of a new Federal records center in Dayton, Ohio, and to require Federal agencies to respond within 30 calendar days after notification that records are eligible for disposal.

The table of contents for Part 101-11 is amended to provide a new caption for § 101-11.4909 as follows:

Subpart 101-11.4—Disposition of Federal Records

1. Section 101-11.410-1 is amended by revising the table entry for Region 5 to read as follows:

§ 101-11.410-1 Authority.

* * * * *

5	Illinois, Wisconsin, and Minnesota.	Federal Records Center, 7201 South Leamington Ave., Chicago, IL 60638.
	Indiana, Michigan, and Ohio.	Federal Records Center, 2400 West Dorothy Lane, Dayton, OH 45439.

* * * * *

(Sec. 205(c), 63 Stat. 390, 40 U.S.C. 486(c))

2. Section 101-11.410-8 is revised to read as follows:

§ 101-11.410-8 Disposal clearances.

(a) Records at the National Personnel Records Center, authorized for disposal by General Records Schedules 1 and 2, will be destroyed in accordance with those schedules without further agency clearance.

(b) Other records of Federal agencies held by records centers will be disposed of upon approval of the agency concerned by use of GSA Form 439, Records Disposition Control (§ 101-11.4909); its authorized equivalent; or other written concurrence for each disposal action. If, however, an agency is notified of the eligibility of its records for disposal and the agency fails to reply to such notification within 30 calendar days, the records will be disposed of in accordance with the appropriate authority.

Subpart 101-11.49—Forms and Reports

3. Section 101-11.4909 is revised to illustrate the new edition of GSA Form 439, as follows:

§ 101-11.4909 GSA Form 439, Records Disposition Control.

NOTE: The form illustrated in § 101-11.4909 is filed as part of the original document. Copies may be obtained from the nearest General Services Administration supply distribution facility.

(Sec. 3302, 82 Stat. 1299, 44 U.S.C. 3302)

Chapter 105—General Services Administration

PART 105-61—PUBLIC USE OF RECORDS, DONATED HISTORICAL MATERIALS, AND FACILITIES IN THE NATIONAL ARCHIVES AND RECORDS SERVICE

Subpart 105-61.48—Exhibits

LOCATION OF RECORDS AND HOURS OF USE

Section 105-61.4801 is revised to include the address and hours of use of the John F. Kennedy Library, Lyndon B. Johnson Library, and Federal Records Center, Dayton, Ohio.

Section 105-61.4801 is revised to read as follows:

§ 105-61.4801 Location of records and hours of use.

This section relates to § 105-61.101-2.

(a) The Archives Building, Eighth and Pennsylvania Avenue NW., Washington, DC 20408.

Hours: For the Central Research Room and Microfilm Research Room, 8:45 a.m. to 10 p.m., Monday through Friday, and 8:45 a.m. to 5 p.m. on Saturday. For other research rooms, 8:45 a.m. to 5 p.m., Monday through Friday. Records to be used on Friday after 5 p.m. or on Saturday must be requested by 3 p.m. Friday. Records to be used after 5 p.m., Monday through Thursday, must be requested by 4 p.m. of the day on which they are to be used.

(b) [Reserved]

(c) Presidential libraries, as follows:

(1) Herbert Hoover Library, South Downey Street, West Branch, IA 52358.

Hours: 9 a.m. to 5 p.m., Monday through Friday.

(2) Franklin D. Roosevelt Library, Albany Post Road, Hyde Park, NY 12538.

Hours: 9 a.m. to 5 p.m., Monday through Friday.

(3) Harry S. Truman Library, Highway 24 at Delaware Street, Independence, MO 64050.

Hours: 9 a.m. to 5 p.m., Monday through Friday.

(4) Dwight D. Eisenhower Library, South East Fourth Street, Abilene, KS 67410.

Hours: 9 a.m. to 5 p.m., Monday through Friday.

(5) John F. Kennedy Library, 380 Trapelo Road, Waltham, MA 02154.

Hours: 8:30 a.m. to 5 p.m., Monday through Friday.

(6) Lyndon B. Johnson Library, 2313 Red River, Austin TX 78705.

Hours: 9 a.m. to 5 p.m., Monday through Friday.

(d) [Reserved]

(e) Washington National Records Center, 4205 Suitland Road, Suitland, MD.

Mailing address: General Services Administration, Washington National Records Center, Washington, DC 20409.

Hours: 8 a.m. to 4:30 p.m., Monday through Friday.

(f) National Personnel Records Center, (military personnel records), 9700 Page Boulevard, St. Louis, MO 63132.

Hours: 7:30 a.m. to 4 p.m., Monday through Friday.

(g) National Personnel Records Center (civilian personnel records), 111 Winnebago Street, St. Louis, MO 63118.

Hours: 7:30 a.m. to 4 p.m., Monday through Friday.

(h) Regional Federal records centers, as follows:

(1) 380 Trapelo Road, Waltham, MA 02154.

Hours: 8:20 a.m. to 4:50 p.m., Monday through Friday.

(2) 641 Washington Street, New York, NY 10014.

Hours: 8:30 a.m. to 5 p.m., Monday through Friday.

(3) 5000 Wissahickon Avenue, Philadelphia, PA 19144.

Hours: 8:30 a.m. to 5 p.m., Monday through Friday.

(4) Naval Supply Depot, Building 308, Mechanicsburg, PA 17055.

Hours: 7:30 a.m. to 4:30 p.m., Monday through Friday.

(5) 1557 St. Joseph Avenue, East Point, GA 30044.

Hours: 8 a.m. to 4:30 p.m., Monday through Friday.

(6) 7201 South Leamington Avenue, Chicago, IL 60638.

Hours: 8 a.m. to 4:30 p.m., Monday through Friday.

(7) 2400 West Dorothy Lane, Dayton, OH 45439.

Hours: 8 a.m. to 4:30 p.m., Monday through Friday.

(8) 2306 East Bannister Road, Kansas City, MO 64131.

Hours: 8 a.m. to 4:30 p.m., Monday through Friday.

(9) 4900 Hemphill Street, Fort Worth, TX 76115.

Hours: 8 a.m. to 4:30 p.m., Monday through Friday.

(10) Building 48, Denver Federal Center, Denver, CO 80225.

Hours: 8 a.m. to 4:30 p.m., Monday through Friday.

(11) Building 1, 100 Harrison Street, San Francisco, CA 94105.

Hours: 8 a.m. to 4:30 p.m., Monday through Friday.

(12) 4747 Eastern Avenue, Bell, CA 90201.

Hours: 7:30 a.m. to 4 p.m., Monday through Friday.

(13) 6125 Sand Point Way, Seattle, WA 98115.

Hours: 8 a.m. to 4:30 p.m., Monday through Friday.

(Sec. 205(c), 63 Stat. 390, 40 U.S.C. 486(c))

Effective date. December 31, 1971.

Dated: December 28, 1971.

HAROLD S. TRIMMER, Jr.,
Acting Administrator of General Services.

[FR Doc.71-19159 Filed 12-30-71;8:49 am]

PART 105-50—PROVISION OF SPECIAL OR TECHNICAL SERVICES TO STATE AND LOCAL UNITS OF GOVERNMENT

Miscellaneous Amendments

This amendment provides updated references to Office of Management and Budget (formerly Bureau of the Budget) circulars and reflects the assignment of responsibility for central coordination within GSA of requests for services from State and local units of government.

The stipulation that State and local governments using GSA's bulk rate communications circuits would be billed directly by the contractors is deleted. A revised tariff filed with the Federal Communications Commission by the American Telephone & Telegraph Co. (A. T. & T.), effective December 12, 1971, eliminates the former TELPAK sharing arrangements. Under this tariff, GSA will bill the State and local governments for their share of the TELPAK costs as a service provided under the Intergovernmental Cooperation Act of 1968. Services provided prior to December 12, 1971, will be billed by the contractors under the former arrangements.

Subpart 105-50.1—General Provisions

1. Section 105-50.101(b) is revised to read as follows:

§ 105-50.101 Purpose.

* * * * *

(b) This part is consistent with the rules and regulations promulgated by the Director, Office of Management and Budget, in the Office of Management and Budget Circular No. A-97, dated August 29, 1969, issued pursuant to section 302 of the cited Act (42 U.S.C. 4222).

2. Sections 105-50.104 (b), (c), and (e) are revised to read as follows:

§ 101-50.104 Limitations.

* * * * *

(b) Such services will be provided only upon the written request of a State or political subdivision thereof. Requests normally will be made by the chief executives of such entities and will be addressed to the General Services Administration (BE) as provided in § 105-50.105.

(c) Such services will not be provided unless GSA is providing similar services for its own use under the policies set forth in the Office of Management and Budget Circular No. A-76 Revised, dated August 30, 1967, subject: Policies for acquiring commercial or industrial products and services for Government use. In addition, in accordance with the policies set forth in Circular No. A-76, the requesting entity must certify that such services cannot be procured reasonably and expeditiously through ordinary business channels.

* * * * *

(e) Such services will be provided only upon payment or provision of reimbursement, by the unit of government making the request, of salaries and all other identifiable direct and indirect costs of performing such services. For cost determination purposes, GSA will be guided by the policies set forth in the Office of Management and Budget Circular No. A-25, dated September 23, 1959, subject: User charges.

3. Sections 105-50.105 and 105-50.106 are revised to read as follows:

§ 105-50.105 Central coordination.

All requests for information of services shall be addressed to the General Services Administration (BE), Washington, DC 20405. The Director of Management Systems, Office of Administration, shall serve as a central coordinator and shall assign the request to the appropriate organizational element of GSA for expeditious handling.

§ 105-50.106 GSA response to requests.

Direct response to each request shall be made by the applicable Head of Service or Staff Office in GSA. He shall outline the service to be provided and the fee or reimbursement required. Any special conditions as to time and priority, etc., shall be stated. Written acceptance by the authorized State or local governmental entity shall constitute a binding agreement.

Subpart 105-50.2—Services Available From General Services Administration

1. Section 105-50.202-3(b) is revised to read as follows:

§ 105-50.202-3 Training.

* * * * *

(b) Descriptions of the specific training courses conducted by GSA are published annually in the Interagency Training Programs bulletin, copies of which are available from the U.S. Civil Service Commission, Washington, D.C. 20415.

2. Section 105-50.202-6 is revised to read as follows:

§ 105-50.202-6 Communications services.

GSA will continue to make its bulk rate circuit ordering services available for use by State and local governments. Under a revised tariff effective December 12, 1971, GSA will bill the State and local governments for their share of the TELPAK costs. Services provided prior to December 12, 1971, will be billed by the contractors under the former arrangements. In addition, certain activities, such as surplus property agencies which have frequent communications with Federal agencies, will be given access to the Federal Telecommunications System switchboards.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c) and sec. 302, 82 Stat. 1102; 42 U.S.C. 4222)

Effective date. This regulation is effective upon publication in the FEDERAL REGISTER (12-31-71).

Dated: December 28, 1971.

HAROLD S. TRIMMER, Jr.,
Acting Administrator of General Services.

[FR Doc.71-19169 Filed 12-30-71;8:49 am]

Title 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 5150]

[Fairbanks 14223, Anchorage 6473]

ALASKA

Withdrawal of Public Lands for a Utility Corridor

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described lands are hereby withdrawn from all forms of appropriation under the public land laws except for location for metalliferous minerals under the mining laws (30 U.S.C., ch. 2), and is also withdrawn from leasing under the mineral leasing laws and from selection by the State of Alaska under the Alaska Statehood Act (72 Stat. 339) and from selection by any native group or village or regional corporation under the Alaska Native Claims Settlement Act of December 18, 1971, Public Law 92-203, and reserved as a utility and transportation corridor within the meaning of section 17(c) of said Alaska Native Claims Settlement Act in aid of programs for the U.S. Government and the State of Alaska:

UMIAT MERIDIAN

PROTRACTED DESCRIPTIONS

Tps. 1 to 8 N., R. 13 E.
Tps. 1 to 8 N., R. 14 E.
Tps. 1 to 8 N., R. 15 E.
Tps. 16 to 17 S., R. 10 E.
Tps. 9 to 17 S., R. 11 E.
Tps. 8 to 15 S., R. 12 E.
Tps. 1 to 11 S., R. 13 E.
Tps. 1 to 11 S., R. 14 E.
Tps. 1 to 7 S., R. 15 E.

UMIAT MERIDIAN

SURVEYED DESCRIPTIONS

T. 9 N., Rs. 12 to 16 E.
T. 10 N., Rs. 12 to 17 E.
T. 11 N., Rs. 12 to 17 E.
T. 12 N., Rs. 12 to 17 E.
T. 13 N., Rs. 12 to 17 E.

FAIRBANKS MERIDIAN

PROTRACTED DESCRIPTIONS

T. 1 N., R. 1 W.
T. 2 N., R. 1 W.,
Sec. 2, NW¼SE¼, N½SW¼;
Sec. 3, lots 1, 2, 3, S½NE¼, S½;
Sec. 10, N½, N½SW¼, SE¼SW¼, SE¼;
Sec. 14, NW¼NW¼.
T. 3 N., R. 1 W.
Tps. 3 to 5 N., R. 2 W.
Tps. 4 to 6 N., R. 3 W.
Tps. 5 and 6 N., R. 4 W.
T. 7 N., R. 4 W.,
Secs. 19 to 36, inclusive.
Tps. 6 and 7 N., R. 5 W.
T. 8 N., R. 5 W.,
Secs. 4 to 9, inclusive;
Secs. 16 to 21, inclusive;
Secs. 28 to 33, inclusive.
Tps. 7 to 9 N., R. 6 W.
Tps. 8 to 10 N., R. 7 W.
Tps. 9 to 11 N., R. 8 W.
Tps. 10 to 12 N., R. 9 W.
Tps. 33 to 37 N., R. 9 W.
Tps. 11 to 13 N., R. 10 W.
Tps. 30 to 37 N., R. 10 W.
Tps. 12 to 16 N., R. 11 W.
Tps. 27 to 36 N., R. 11 W.
Tps. 13 to 18 N., R. 12 W.
Tps. 25 to 32 N., R. 12 W.
Tps. 14 to 28 N., R. 13 W.
Tps. 17 to 25 N., R. 15 W.
Tps. 19 to 24 N., R. 16 W.
Tps. 15 to 27 N., R. 14 W.

FAIRBANKS MERIDIAN

SURVEYED DESCRIPTIONS

T. 4 S., R. 5 E.,
Secs. 19 and 30.
T. 10 S., R. 10 E.,
Secs. 2, 3, and 11.
T. 11 S., R. 10 E.,
Sec. 28, lots 5, 6, 7, 8, SW¼NE¼, SE¼;
Sec. 33, W½NW¼SE¼NE¼NE¼, W½NE¼NE¼, W½NE¼.
T. 12 S., R. 10 E.,
Sec. 3;
Sec. 4, E½;
Sec. 9, E½;
Secs. 10, 14, and 15;
Sec. 22, E½;
Sec. 23;
Sec. 26, W½;
Sec. 27, E½;
Sec. 34, E½;
Sec. 35, that portion west of the lands described in Public Law 87-334.

FAIRBANKS MERIDIAN

PROTRACTED DESCRIPTIONS

T. 1 S., R. 2 E.,
Secs. 14 and 15;
Sec. 21, S½;
Secs. 23, 26, and 27.
T. 4 S., R. 5 E.
T. 5 S., R. 5 E.
T. 5 S., R. 6 E.
T. 6 S., R. 7 E.
T. 6 S., R. 8 E.
T. 14 S., R. 9 E., that portion south of the lands described in Public Law 87-327.
Tps. 15 to 18 S., R. 9 E.
T. 13 S., R. 10 E.,
Secs. 28, 29, 32, and 33.
T. 14 S., R. 10 E.,
Secs. 30 and 31, that portion east of the lands described in Public Law 87-327.
Tps. 15 to 19 S., R. 10 E.
Tps. 17, 19, 20 S., R. 11 E.
T. 21 S., R. 12 E.

COPPER RIVER MERIDIAN

PROTRACTED DESCRIPTIONS

T. 11 N., R. 1 W.,
Sec. 28, W½;
Sec. 29.
T. 5 N., R. 1 W.,
Secs. 4 to 9, inclusive;
Secs. 17 and 18.
T. 4 N., R. 2 W.,
Secs. 1, 12, and 13.
T. 9 S., R. 3 W.,
Secs. 3 to 10, inclusive.
T. 9 S., R. 5 W.,
Secs. 19 to 36, inclusive.
T. 9 S., R. 7 W.,
Sec. 13;
Sec. 14, SE¼, E½SW¼;
Sec. 23, N½NE¼;
Sec. 24.

The areas described, including both public and nonpublic lands, aggregate approximately 5,343,300 acres.

2. The following described lands are also withdrawn from prospecting, location, and purchase under the U.S. mining laws (30 U.S.C., ch. 2):

UMIAT MERIDIAN

SURVEYED DESCRIPTIONS

T. 9 N., Rs. 12 to 16 E.
T. 10 N., Rs. 12 to 17 E.
T. 11 N., Rs. 12 to 17 E.
T. 12 N., Rs. 12 to 17 E.
T. 13 N., Rs. 12 to 17 E.

UMIAT MERIDIAN

PROTRACTED DESCRIPTIONS

T. 1 N., R. 13 E.,
Secs. 1, 12, 13, 24, 25, and 36.
T. 5 N., R. 13 E.,
Secs. 1 to 3, inclusive;
Secs. 10 to 15, inclusive;
Secs. 22 to 27, inclusive;
Secs. 34 to 36, inclusive.
T. 6 N., R. 13 E.,
Secs. 1 to 3, inclusive;
Secs. 10 to 15, inclusive;
Secs. 22 to 27, inclusive;
Secs. 34 to 36, inclusive.
T. 7 N., R. 13 E.,
Secs. 1 and 2;
Secs. 11 to 14, inclusive;
Secs. 23 to 26, inclusive;
Secs. 35 and 36.
Tps. 1 to 6 N., R. 14 E.
T. 7 N., R. 14 E.,
Secs. 3 to 10, inclusive;
Secs. 16 to 21, inclusive;
Secs. 28 to 33, inclusive.
T. 8 N., R. 14 E.
T. 1 N., R. 15 E.,
Secs. 3 to 10, inclusive;
Secs. 16 to 21, inclusive;
Secs. 28 to 33, inclusive.
T. 2 N., R. 15 E.,
Secs. 4 to 9, inclusive;
Secs. 16 to 21, inclusive;
Secs. 28 to 33, inclusive.
T. 3 N., R. 15 E.,
Secs. 6, 7, 18, 19, 30, and 31.
T. 16 S., R. 10 E.,
Sec. 13;
Secs. 23 to 27, inclusive;
Secs. 34 to 36, inclusive.
T. 17 S., R. 10 E.,
Secs. 1, 2, and 3.
Tps. 9 to 12 S., R. 11 E.
T. 13 S., R. 11 E.,
Secs. 25, 35, and 36.
T. 14 S., R. 11 E.,
Secs. 1 to 3, inclusive;
Secs. 10 to 13, inclusive;
Secs. 24, 25, and 36.
T. 15 S., R. 11 E.,
Secs. 1 and 2;
Secs. 11 to 14, inclusive;
Secs. 22 to 28, inclusive;
Secs. 33 to 36, inclusive.
T. 16 S., R. 11 E.,
Secs. 2 to 11, inclusive;
Secs. 15 to 22, inclusive;
Secs. 28 to 32, inclusive.
T. 17 S., R. 11 E.,
Secs. 5 and 6.
T. 13 S., R. 12 E.,
Secs. 2 to 11, inclusive;
Secs. 14 to 23, inclusive;
Secs. 26 to 35, inclusive.
Tps. 9 to 12 S., R. 12 E.

T. 14 S., R. 12 E.,
Secs. 3 to 10, inclusive;
Secs. 15 to 22, inclusive;
Secs. 27 to 34, inclusive.
T. 15 S., R. 12 E.,
Secs. 4 to 9, inclusive;
Secs. 16 to 21, inclusive;
Secs. 29 to 32, inclusive.
T. 2 S., R. 13 E.,
Secs. 1 and 2;
Secs. 11 to 14, inclusive;
Secs. 23 to 26, inclusive;
Secs. 35 and 36.
T. 3 S., R. 13 E.,
Secs. 1 and 2;
Secs. 11 to 14, inclusive;
Secs. 23 to 26, inclusive;
Secs. 35 and 36.
T. 4 S., R. 13 E.,
Secs. 1 and 2;
Secs. 11 to 14, inclusive;
Secs. 23 to 26, inclusive;
Secs. 35 and 36.
T. 6 S., R. 13 E.,
Secs. 1 and 2;
Secs. 11 to 14, inclusive;
Secs. 23 to 26, inclusive;
Secs. 35 and 36.
T. 7 S., R. 13 E.,
Secs. 1 and 2;
Secs. 11 to 14, inclusive;
Secs. 23 to 26, inclusive;
Secs. 35 and 36.
T. 8 S., R. 13 E.,
Secs. 1 to 3, inclusive;
Secs. 10 to 15, inclusive;
Secs. 22 to 28, inclusive;
Secs. 32 to 36, inclusive.
Tps. 9 to 11 S., R. 13 E.
T. 1 S., R. 14 E.
T. 2 S., R. 14 E.
T. 3 S., R. 14 E.,
Secs. 3 to 10, inclusive;
Secs. 15 to 22, inclusive;
Secs. 27 to 34, inclusive.
T. 4 S., R. 14 E.,
Secs. 3 to 10, inclusive;
Secs. 15 to 22, inclusive;
Secs. 27 to 34, inclusive.
T. 5 S., R. 14 E.
T. 6 S., R. 14 E.,
Secs. 3 to 10, inclusive;
Secs. 15 to 22, inclusive;
Secs. 27 to 34, inclusive.
T. 7 S., R. 14 E.,
Secs. 3 to 10, inclusive;
Secs. 15 to 22, inclusive;
Secs. 27 to 34, inclusive.
T. 8 S., R. 14 E.,
Secs. 4 to 9, inclusive;
Secs. 16 to 21, inclusive;
Secs. 28 to 33, inclusive.
T. 9 S., R. 14 E.,
Secs. 5 to 8, inclusive;
Secs. 17 to 20, inclusive;
Secs. 29 to 32, inclusive.
T. 1 S., R. 15 E.,
Secs. 6, 7, 18, 19, 30, 31.

FAIRBANKS MERIDIAN

PROTRACTED DESCRIPTIONS

T. 1 N., R. 1 W.
T. 2 N., R. 1 W.,
Sec. 2, NW¼SE¼, N½SW¼;
Sec. 3, lots 1, 2, 3, S½NE¼, S½;
Sec. 10, N½, N½SW¼, SE¼SW¼, SE¼;
Sec. 14, NW¼NW¼.
T. 3 N., R. 1 W.
T. 3 N., R. 2 W.
T. 4 N., R. 2 W.,
Sec. 7;
Secs. 17 to 21, inclusive;
Secs. 28 to 34, inclusive.
T. 4 N., R. 3 W.,
Secs. 1 to 4, inclusive;
Secs. 9 to 15, inclusive;
Secs. 23 to 25, inclusive.
T. 5 N., R. 3 W.,
Secs. 2 to 6, inclusive;
Secs. 8 to 11, inclusive;
Secs. 13 to 17, inclusive;
Secs. 21 to 28, inclusive;
Secs. 33 to 36, inclusive.
T. 6 N., R. 3 W.,
Secs. 29 to 35, inclusive.
T. 5 N., R. 4 W.,
Sec. 1.
T. 6 N., R. 4 W.,
Secs. 3 to 11, inclusive;
Secs. 14 to 18, inclusive;
Secs. 21 to 27, inclusive;
Secs. 35 and 36.
T. 7 N., R. 4 W.,
Secs. 19 and 20;
Secs. 29 to 32, inclusive.
T. 6 N., R. 5 W.,
Secs. 1 and 12.
T. 7 N., R. 5 W.,
Secs. 5 to 8, inclusive;
Sec. 9, that portion bounded as follows: Beginning at the corner common to protracted secs. 4, 5, 8, and 9, 45° E., 1.4 miles to the corner common to protracted secs. 9, 10, 15, and 16, west, 1 mile to the corner common to protracted secs. 8, 9, 16, and 17; north, 1 mile to the point of beginning;
Secs. 14 to 18, inclusive;
Secs. 21 to 27, inclusive;
Secs. 35 and 36.
T. 8 N., R. 5 W.,
Secs. 19 and 20;
Secs. 29 to 33, inclusive.
T. 7 N., R. 6 W.,
Secs. 1 and 2;
Secs. 11 to 14, inclusive.
T. 8 N., R. 6 W.
T. 9 N., R. 6 W.,
Secs. 18 to 20, inclusive;
Secs. 29 to 33, inclusive.
T. 8 N., R. 7 W.,
Secs. 1 and 2;
Secs. 11, 12, and 13.
T. 9 N., R. 7 W.
T. 10 N., R. 7 W.,
Secs. 7 and 8;
Secs. 16 to 22, inclusive;
Secs. 26 to 36, inclusive.
T. 9 N., R. 8 W.,
Secs. 1, 12, 13, 24, 25, and 36.
T. 10 N., R. 8 W.,
Secs. 1 to 16, inclusive;
Secs. 21 to 27, inclusive;
Secs. 35 and 36.
T. 11 N., R. 8 W.,
Secs. 30 to 33, inclusive.
T. 10 N., R. 9 W.,
Secs. 1, 2, and 3.
T. 11 N., R. 9 W.
T. 12 N., R. 9 W.,
Secs. 29 to 33, inclusive.
T. 33 N., R. 9 W.,
Secs. 6, 7, 18, 19, 30, and 31.
T. 37 N., R. 9 W.,
Secs. 30 and 31.
T. 11 N., R. 10 W.,
Secs. 1 to 3, inclusive;
Secs. 10 to 13, inclusive.
T. 12 N., R. 10 W.
T. 13 N., R. 10 W.,
Sec. 19;
Secs. 29 to 33, inclusive.
T. 31 N., R. 10 W.,
Secs. 3 to 10, inclusive;
Secs. 16 to 21, inclusive;
Secs. 29 to 31, inclusive.
T. 32 N., R. 10 W.,
Secs. 2 to 5, inclusive;
Secs. 8 to 11, inclusive;
Secs. 14 to 17, inclusive;
Secs. 19 to 23, inclusive;
Secs. 27 to 33, inclusive.
T. 33 N., R. 10 W.,
Secs. 1 to 3, inclusive;
Secs. 10 to 15, inclusive;
Secs. 22 to 27, inclusive;
Secs. 33 to 36, inclusive.
Tps. 34 to 36 N., R. 10 W.
T. 37 N., R. 10 W.,
Secs. 25 to 27, inclusive;
Secs. 34 to 36, inclusive.
T. 12 N., R. 11 W.,
Secs. 1 and 2;
Secs. 11 to 14, inclusive;
Secs. 23 to 26, inclusive.
T. 13 N., R. 11 W.
T. 29 N., R. 11 W.,
Secs. 6, 7, and 18.
T. 30 N., R. 11 W.,
Secs. 1 to 10, inclusive;
Secs. 16 to 20, inclusive;
Secs. 29 to 32, inclusive.
T. 31 N., R. 11 W.,
Secs. 1, 12, and 13;
Secs. 23 to 28, inclusive;
Secs. 32 to 36, inclusive.
T. 32 N., R. 11 W.,
Sec. 36.
T. 13 N., R. 12 W.,
Secs. 1, 2, and 3;
Secs 11 to 14, inclusive;
Secs. 23 to 25, inclusive.
T. 14 N., R. 12 W.
T. 15 N., R. 12 W.,
Secs. 3 to 10, inclusive;
Secs. 15 to 22, inclusive;
Secs. 27 to 34, inclusive.
T. 16 N., R. 12 W.,
Sec. 19;
Secs. 29 to 32, inclusive.
T. 25 N., R. 12 W.,
Secs. 5, 6, 7, 18, and 19.
T. 26 N., R. 12 W.,
Secs. 30 and 31.
T. 27 N., R. 12 W.,
Secs. 5 to 8, inclusive;
Secs. 17 to 20, inclusive.
T. 28 N., R. 12 W.,
Secs. 2 to 5, inclusive;
Secs. 8 to 11, inclusive;
Secs. 15 to 22, inclusive;
Secs. 29 to 32, inclusive.
T. 29 N., R. 12 W.,
Secs. 1 and 2;
Secs. 11 to 14, inclusive;
Secs. 22 to 27, inclusive;
Secs. 34, 35, and 36.
T. 30 N., R. 12 W.,
Secs. 13, 24, 25, and 36.
T. 14 N., R. 13 W.,
Secs. 1, 12, 13, and 24.
T. 15 N., R. 13 W.,
Secs. 1 and 2;
Secs. 11, 12, and 13;
Secs. 24, 25, and 36.
T. 16 N., R. 13 W.
T. 17 N., R. 13 W.,
Secs. 4 to 10, inclusive;
Secs. 15 to 22, inclusive;
Secs. 26 to 36, inclusive.
T. 18 N., R. 13 W.,
Sec. 31.
T. 24 N., R. 13 W.,
Secs. 4 to 9, inclusive;
Secs. 17, 18, 19, and 30.
T. 25 N., R. 13 W.,
Secs. 1 and 2;
Secs. 11 to 14, inclusive;
Secs. 21 to 28, inclusive;
Secs. 32 to 35, inclusive.
T. 26 N., R. 13 W.,
Secs. 1 to 3, inclusive;
Secs. 10 to 15, inclusive;
Secs. 22 to 27, inclusive;
Secs. 34 to 36, inclusive.
T. 27 N., R. 13 W.,
Secs. 1 and 2;
Secs. 10 to 15, inclusive;
Secs. 22 to 27, inclusive;
Secs. 34 to 36, inclusive.

T. 28 N., R. 13 W.,
Secs. 13, 24, 25, 26, 35, and 36.
T. 17 N., R. 14 W.,
Secs. 1, 2, and 12.
T. 18 N., R. 14 W.,
Secs. 1 to 17, inclusive;
Secs. 21 to 28, inclusive;
Secs. 33 to 36, inclusive.
T. 19 N., R. 14 W.,
Secs. 18 to 20, inclusive;
Secs. 28 to 33, inclusive.
T. 21 N., R. 14 W.,
Secs. 4 to 9, inclusive;
Secs. 16 to 21, inclusive;
Secs. 28 to 33, inclusive.
T. 22 N., R. 14 W.,
Secs. 5 to 8, inclusive;
Secs. 17 to 20, inclusive;
Secs. 29 to 33, inclusive.
T. 23 N., R. 14 W.,
Secs. 2 to 5, inclusive;
Secs. 7 to 11, inclusive;
Secs. 15 to 21, inclusive;
Secs. 28 to 32, inclusive.
T. 24 N., R. 14 W.,
Secs. 12 to 14, inclusive;
Secs. 22 to 28, inclusive;
Secs. 33 to 36, inclusive.
T. 19 N., R. 15 W.,
Secs. 1 to 5, inclusive;
Secs. 9 to 15, inclusive;
Secs. 23 to 25, inclusive;
Sec. 36.
T. 20 N., R. 15 W.
T. 21 N., R. 15 W.,
Secs. 1 and 2;
Secs. 11 and 14, inclusive;
Secs. 23 to 26, inclusive;
Secs. 35 and 36.
T. 22 N., R. 15 W.,
Secs. 1 to 3, inclusive;
Secs. 11 to 14, inclusive;
Secs. 23 to 26, inclusive;
Secs. 35 and 36.
T. 23 N., R. 15 W.,
Sec. 13;
Secs. 23 to 27, inclusive;
Secs. 34 to 36, inclusive.

FAIRBANKS MERIDIAN

SURVEYED DESCRIPTIONS

T. 4 S., R. 5 E.,
Secs. 19 and 30.
T. 10 S., R. 10 E.,
Secs. 2, 3, and 11.
T. 11 S., R. 10 E.,
Sec. 28, lots 5, 6, 7, 8, and SW¼NE¼, and SE¼;
Sec. 33, W½NW¼SE¼NE¼NE¼, W½NE¼NE¼, and W½NE¼.
T. 12 S., R. 10 E.,
Sec. 3;
Sec. 4, E½;
Sec. 9, E½;
Secs. 10, 14, and 15;
Sec. 22, E½;
Sec. 23;
Sec. 26, W½;
Sec. 27, E½;
Sec. 34, E½;
Sec. 35, that portion west of the lands described in Public Law 87-334.

FAIRBANKS MERIDIAN

PROTRACTED DESCRIPTIONS

T. 1 S., R. 2 E.,
Secs. 14 and 15;
Sec. 21, S½;
Secs. 23, 26, and 27.
T. 4 S., R. 5 E.
T. 5 S., R. 5 E.
T. 5 S., R. 6 E.
T. 6 S., R. 7 E.
T. 6 S., R. 8 E.
T. 14 S., R. 9 E.,
Secs. 34, 35, and 36.
T. 15 S., R. 9 E.,
Secs. 1, 2, and 3.
T. 16 S., R. 9 E.,
Secs. 1 and 2;
Secs. 24, 25, and 26.
T. 13 S., R. 10 E.,
Secs. 28, 29, 32, and 33.
T. 14 S., R. 10 E.,
Secs. 4 and 5;
Secs. 6 and 7, that portion east of the land described in Public Law 87-327;
Secs. 8, 9, 16, and 17;
Sec. 18, that portion east of the Delta River;
Secs. 19, 20, and 21;
Secs. 28 to 33, inclusive.
T. 15 S., R. 10 E.,
Secs. 4 to 9, inclusive;
Secs. 16 to 21, inclusive;
Secs. 28 to 33, inclusive.
T. 16 S., R. 10 E.,
Secs. 4 to 9, inclusive;
Sec. 16, that portion north of the lands described in PLO 2622 and PLO 1503;
Sec. 17, that portion north and west of the lands described in PLO 2622 and PLO 1503;
Secs. 18 and 19;
Sec. 20, that portion west of the lands described in PLO 2622 and PLO 1503;
Sec. 28, that portion south of the lands described in PLO 2622;
Sec. 29, that portion south and west of the lands described in PLO 2622;
Secs. 30 to 33, inclusive.
T. 17 S., R. 10 E.,
Sec. 3, excluding that portion described in PLO 1804;
Secs. 4 and 5;
Secs. 8 and 11, inclusive;
Secs. 14 to 28, inclusive;
Secs. 35 and 36.
T. 18 S., R. 10 E.,
Secs. 1 and 2;
Secs. 11 to 14, inclusive;
Secs. 23 to 26, inclusive;
Secs. 35 and 36.
T. 19 S., R. 10 E.,
Secs. 1 to 3, inclusive;
Secs. 10 to 16, inclusive;
Secs. 21 to 27, inclusive;
Secs. 34 to 36, inclusive.
T. 17 S., R. 11 E.,
Secs. 19, 29, 30, 31, and 32
T. 18 S., R. 11 E.,
Secs. 5 to 8, inclusive;
Secs. 17 to 20, inclusive;
Secs. 29 to 32, inclusive.
T. 19 S., R. 11 E.,
Secs. 4 to 9, inclusive;
Secs. 16 to 21, inclusive;
Secs. 28 to 33, inclusive.
T. 20 S., R. 11 E.
T. 21 S., R. 12 E.
T. 22 S., R. 12 E.,
Secs. 3, 4, 5, 8, 9, and 10;
Secs. 15 to 22, inclusive;
Secs. 28 to 32, inclusive.

COPPER RIVER MERIDIAN

SURVEYED DESCRIPTIONS

T. 1 N., R. 1 E.,
Sec. 5, E½;
Sec. 6, N½ and SE¼;
Sec. 8, NW¼ and SE¼;
Secs. 9 and 22.
T. 2 N., R. 1 E.,
Sec. 19;
Sec. 30, W½;
Sec. 31, W½.
T. 2 N., R. 1 W.,
Secs. 2, 3, 10, 11, 14, 15, 23, and 24;
Sec. 25, N½ and SE¼.
T. 3 N., R. 1 W.,
Sec. 8, SW¼SE¼;
Sec. 17, E½.
T. 4 N., R. 1 W.,
Sec. 30, N½NE¼, SW¼NE¼, and W½;
Sec. 31;
Sec. 32, SW¼.
T. 4 N., R. 2 W.,
Sec. 24, S½;
Sec. 25.
T. 1 S., R. 1 E.,
Secs. 2 and 3;
Secs. 10 and 11;
Secs. 14 and 15;
Secs. 22 to 27, inclusive;
Secs. 34, 35, and 36.

COPPER RIVER MERIDIAN

PROTRACTED DESCRIPTIONS

T. 1 N., R. 1 W.,
Secs. 1, 2, and 12.
T. 2 N., R. 1 W.,
Secs. 4 and 9.
T. 5 N., R. 1 W.,
Secs. 4 to 9, inclusive;
Secs. 17 and 18.
T. 6 N., R. 1 W.,
Secs. 2 to 11, inclusive;
Secs. 14 to 22, inclusive;
Secs. 27 to 34, inclusive.
T. 7 N., R. 1 W.,
Secs. 3 to 11, inclusive;
Secs. 14 to 23, inclusive;
Secs. 26 to 35, inclusive.
T. 8 N., R. 1 W.,
Secs. 4 to 9, inclusive;
Secs. 16 to 21, inclusive;
Secs. 28 to 33, inclusive.
T. 9 N., R. 1 W.,
Secs. 4 to 9, inclusive;
Secs. 16 to 21, inclusive;
Secs. 28 to 33, inclusive.
T. 10 N., R. 1 W.,
Secs. 4 to 9, inclusive;
Secs. 16 to 21, inclusive;
Secs. 28 to 33, inclusive.
T. 11 N., R. 1 W.,
Secs. 3 to 10, inclusive;
Secs. 15 to 22, inclusive;
Secs. 27 to 34, inclusive.
T. 12 N., R. 1 W.,
Secs. 3 to 10, inclusive;
Secs. 15 to 22, inclusive;
Secs. 27 to 34, inclusive.
T. 13 N., R. 1 W.,
Secs. 4 to 9, inclusive;
Secs. 16 to 21, inclusive;
Secs. 28 to 33, inclusive.
T. 14 N., R. 1 W.,
Secs. 31, 32, and 33.
T. 3 N., R. 2 W.,
Secs. 1, 2, 11, 12, 13, and 24.
T. 4 N., R. 2 W.,
Secs. 1, 12, 13, and 36.
T. 5 N., R. 2 W.,
Secs. 1, 2, and 3;
Secs. 10 to 15, inclusive;
Secs. 22 to 27, inclusive;
Secs. 34, 35, and 36.
T. 6 N., R. 2 W.,
Secs. 1, 2, and 3;
Secs. 10 to 15, inclusive;
Secs. 22 to 27, inclusive;
Secs. 34, 35, and 36.
T. 7 N., R. 2 W.,
Secs. 1, 2, and 3;
Secs. 10 to 15, inclusive;
Secs. 22 to 27, inclusive;
Secs. 34, 35, and 36.
T. 8 N., R. 2 W.,
Secs. 1, 2, and 3;
Secs. 10 to 15, inclusive;
Secs. 22 to 27, inclusive;
Secs. 34, 35, and 36.
T. 9 N., R. 2 W.,
Secs. 1, 2, and 3;
Secs. 10 to 15, inclusive;
Secs. 22 to 27, inclusive;
Secs. 34, 35, and 36.

T. 10 N., R. 2 W.,
Secs. 1, 2, and 3;
Secs. 10 to 15, inclusive;
Secs. 22 to 27, inclusive;
Secs. 34, 35, and 36.
T. 6 S., R. 1 W.,
Secs. 12 and 13;
Secs. 24 and 25.
T. 7 S., R. 1 W.,
Secs. 13 and 14;
Secs. 22 to 27, inclusive;
Secs. 31 to 36, inclusive.
T. 8 S., R. 1 W.,
Secs. 2 to 9, inclusive.
T. 8 S., R. 2 W.,
Secs. 1 to 18, inclusive.
T. 8 S., R. 3 W.,
Secs. 1 and 2;
Secs. 11 to 14, inclusive;
Secs. 22 to 28, inclusive;
Secs. 33, 34, and 35.
T. 9 S., R. 3 W.,
Secs. 3 to 10, inclusive.
T. 9 S., R. 4 W.,
Secs. 12, 13, and 14;
Secs. 23 to 35, inclusive.
T. 9 S., R. 5 W.,
Secs. 19 to 36, inclusive.
T. 9 S., R. 6 W.,
Secs. 13 to 25, inclusive.
T. 9 S., R. 7 W.,
Sec. 13;
Sec. 14, SE¼, E½SW¼;
Sec. 23, N½NE¼;
Sec. 24.
T. 1 S., R. 1 E.,
Secs. 4 and 9.
T. 2 S., R. 1 E.,
Secs. 1, 2, and 3;
Secs. 10 to 16, inclusive;
Secs. 21 to 28, inclusive;
Secs. 33 to 36, inclusive.
T. 3 S., R. 1 E.,
Secs. 2 to 5, inclusive;
Secs. 8, 9, and 10;
Secs. 15, 16, and 17;
Secs. 20, 21, and 22;
Secs. 27, 28, and 29;
Secs. 32, 33, and 34.
T. 4 S., R. 1 E.,
Secs. 3, 4, and 5;
Secs. 8, 9, and 10;
Secs. 14 to 17, inclusive;
Secs. 21 to 27, inclusive;
Secs. 34, 35, and 36.
T. 5 S., R. 1 E.,
Secs. 1 and 2;
Secs. 11 to 14, inclusive;
Secs. 22 to 28, inclusive;
Secs. 31 to 34, inclusive.
T. 6 S., R. 1 E.,
Secs. 4 to 8, inclusive;
Secs. 17 to 20, inclusive;
Secs. 29 to 33, inclusive.
T. 7 S., R. 1 E.,
Secs. 4 to 9, inclusive;
Secs. 17 to 20, inclusive.
T. 4 S., R. 2 E.,
Secs. 30 and 31.
T. 5 S., R. 2 E.,
Secs. 5 to 8, inclusive;
Secs. 18 and 19.

The areas described, which are also included in the lands described in paragraph 1, aggregate approximately 2,897,520 acres.

3. The lands withdrawn by this order shall be subject to administration by the Secretary of the Interior under applicable laws and regulations and shall continue to be subject to his authority to make contracts and to grant licenses, permits, rights of way, easements, and leases other than mineral leases.

4. This order shall continue in force and effect until expressly modified or amended.

HARRISON LOESCH,
Assistant Secretary of the Interior.

DECEMBER 28, 1971.

[FR Doc.71-19157 Filed 12-30-71;8:47 am]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 18425; RM-1340]

PART 73—RADIO BROADCAST SERVICES

Remote Control Operation; Correction

In the matter of amendment of Part 73, Subpart E of the Commission's rules and regulations governing television broadcast stations concerning the operation of VHF and UHF Television broadcast stations by remote control. Docket No. 18425, RM-1340.

A Memorandum Opinion and Order (FCC 71-1237) 36 F.R. 23908, in the above-entitled matter, adopted December 8, 1971, and released December 13, 1971, is corrected by amending § 73.676 as follows:

Part 73 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

1. Section 73.676 is amended by adding the following note to paragraph (g) and amending the note at the end of this section, to read as follows:

§ 73.676 Remote control operation.

* * * * *

(g) * * *

NOTE: Until April 30, 1974, noncommercial educational television broadcast stations on channels 14-70 operating by remote control may calibrate, test, and inspect their equipment at successive times not longer than 1 week apart, without having installed those additional transmitting and/or switching facilities whose availability is required in paragraph (g) as a condition precedent to the adoption of such a schedule.

NOTE: Subject to the specific exception set forth in the note appended to paragraph (g), all television broadcast stations on channels 14-70 authorized to operate by remote control prior to April 30, 1971, and not meeting all of the requirements of this section, are afforded a period of 1 year in which to achieve full compliance. On or before April 30, 1972, all such stations shall file new remote control applications, FCC Form 301-A, supplying all information required by § 73.677, and upon a grant thereof, operate in accordance with this section.

Released: December 23, 1971.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.71-19134 Filed 12-30-71;8:46 am]

Chapter II—Office of Telecommunications Policy

MISCELLANEOUS AMENDMENTS TO CHAPTER

DECEMBER 28, 1971.

Chapter II of Title 47 of the Code of Federal Regulations is amended and supplemented as follows:

1. The phrase "Director of Telecommunications Management" in the caption thereof is amended to read "Office of Telecommunications Policy."

2. Part 201, Priority System for the Use and Restoration of Leased Intercity Private Line Services During Emergency Conditions, is renumbered Part 211 (Telecom Circ. 3300.6), and amended to read as set forth below.

3. Part 202, Procedures for Obtaining International Telecommunication Service for Use During a National Emergency, is renumbered Part 212, and amended as follows:

(a) The phrase "Director of Telecommunications Management" in § 212.6 (a) and (b) (former § 202.6 (a), (b)) is changed to "Director of the Office of Telecommunications Policy."

(b) The phrase "Executive Order 10995 (27 F.R. 1519, 3 CFR, 1959-1963 Comp., p. 535, as amended, 28 F.R. 1531; 3 CFR, 1959-1963 Comp., p. 719)" in § 212.0(a) (former § 202.0(a)) is amended to read "Executive Order 11556, 3 CFR 158 (1970 comp.)."

(c) The second sentence in § 212.0(b) (former § 202.0(b)) is amended to read: "The authority under subsection 606(a) has been delegated by Executive Order 11556 to the Director of the Office of Telecommunications Policy."

4. Part 203, Government and Public Correspondence Telecommunications Precedence System, is renumbered Part 213, and amended as follows:

(a) The phrase "Director of Telecommunications Management" in § 213.1 (a) and (b) and 213.7 (f) and (g) (former §§ 203.1 (a), (b); 203.7 (f), (g)) is changed to "Director of the Office of Telecommunications Policy."

(b) The phrase "Executive Order 10995 (27 F.R. 1519; 3 CFR, 1959-63 Comp., p. 535, as amended, 28 F.R. 1531; 3 CFR, 1959-63 Comp., p. 719)" in § 213.0 (a) (former § 203.0(a)) is amended to read "Executive Order 11556, 3 CFR 158 (1970 comp.)."

(c) The first sentence in § 213.0(b) (former § 203.0(b)) is amended to read: "The procedures applicable to communications common carriers and non-Federal Government users prescribed by this part are prescribed by authority conferred upon the President by subsection 606(a) of the Communications Act of 1934, as amended, and delegated to the Director of the Office of Telecommunications Policy by Executive Order 11556."

5. There are added a new Part 201, Organization and Responsibilities, and a new Part 202, Standards of Conduct, to read as set forth below.

6. There are added a new Part 214 (Telecom Circ. 3300.4), Procedures for the Use and Coordination of the Radio System during a National Emergency, add a new Part 215 (Telecom Circ. 3300.5), Federal Government Focal Point for Electromagnetic Pulse (EMP) Information, to read as set forth below.

The foregoing amendments and additions are effective as of January 1, 1972, except for those contained in items 2 and 6, which are effective as of February 1, 1972.

By order of the Director.

ANTONIN SCALIA,
General Counsel.

PART 201—ORGANIZATION AND RESPONSIBILITIES

AUTHORITY: The provisions of this Part 201 issued under 84 Stat. 2083 and Executive Order 11556 (35 F.R. 14193, 3 CFR 158 (1970 comp.)).

§ 201.0 Scope and purpose.

This part describes the organization and responsibilities of the Office of Telecommunications Policy in the Executive Office of the President.

§ 201.1 Creation and location.

(a) The Office of Telecommunications Policy is established as an independent agency in the Executive Office of the President pursuant to Reorganization Plan No. 1 of 1970, 84 Stat. 2083, effective April 20, 1970, and Executive Order No. 11556 (36 F.R. 14193, 3 CFR Part 158 (1970 comp.)).

(b) The Office of Telecommunications Policy is located at 1800 G Street NW., Washington, DC. All communications to the Office should be addressed to "Executive Office of the President, Office of Telecommunications Policy, Washington, D.C. 20504."

§ 201.2 Organization.

(a) The Office of Telecommunications Policy is headed by a Director who is appointed by the President subject to confirmation by the Senate, and who is directly responsible to the President.

(b) The second in command is the Deputy Director, who is likewise appointed by the President subject to confirmation by the Senate. He performs such functions as the Director may from time to time prescribe and, absent other Presidential designation, acts as Director during the latter's absence or disability.

(c) The General Counsel supervises the legal staff, and has primary responsibility for legal and legislative matters.

(d) The Assistant Director, Frequency Management, has primary responsibility for matters pertaining to management of radiofrequency spectrum resources, and supervises the professional staff assigned to that field. He serves as Chairman of the Interdepartment Radio Advisory Committee.

(e) The Assistant Directors have primary responsibility for Office activities within various separate areas of concern, and supervise the professional staff working within those respective areas.

(f) The Military Assistant to the Director has primary responsibility for liaison with the Department of Defense.

(g) The Assistant to the Director (Press and Congress) has primary responsibility for public information and for liaison with the legislative branch.

(h) The Executive Assistant to the Director has primary responsibility for Office management and planning, and for the establishment of operating procedures.

§ 201.3 Technical support.

(a) Technical research and analysis responsive to the Office's needs in the formulation of national communications policy is performed by the Policy Support Division of the Office of Telecommunications, Department of Commerce.

(b) Technical research and analysis and administrative functions in support of the Office's responsibility for allocation and assignment of the radio spectrum is performed by the Frequency Management Support Division of the Office of Telecommunications, Department of Commerce.

§ 201.4 Advisory committees.

Established by and under the control and direction of the Director are the following advisory committees:

(a) The Interdepartment Radio Advisory Committee, composed of representatives of all Federal agencies which make use of the radio spectrum, advises the Director concerning his responsibilities for allocation and assignment of the spectrum. Its Chairman is the Assistant Director for Frequency Management. Its Secretariat is established within the Frequency Management Support Division of the Office of Telecommunications, Department of Commerce.

(b) The Frequency Management Advisory Council, composed of telecommunications experts from industry, research organizations and educational institutions, advises the Director concerning his responsibilities for allocation and assignment of the radio spectrum.

(c) The Electromagnetic Radiation Effects Management Advisory Council, composed of experts in the fields of radiation and health, advises the Director concerning elimination and avoidance of radiation hazards resulting from spectrum use.

§ 201.5 Functions and responsibilities.

The Office of Telecommunications Policy is the executive agency responsible for overall supervision of national communications matters. Its functions and responsibilities are specified in Executive Order 11556 of September 4, 1970. Its activities may generally be divided into four areas:

(a) It establishes the executive branch's policies and programs pertaining to communications matters and seeks to implement them through various means, including the proposal of legislation. This area of activity includes such matters as structure of the communications industry, communications goals to be sought in international negotiations, desirable regulatory policies for established broadcasting and common carrier services, and regulatory approach to new technologies such as satellites, cable television, and interconnected computer systems.

(b) It coordinates the planning and evaluates the operation of the communications activities of the executive branch. This includes the establishment of policies and the setting of standards for Federal communications systems, and overall guidance of Federal research and development efforts.

(c) It is responsible for the allocation and assignment of that portion of the radio spectrum (approximately one-half) used by the Federal Government.

(d) It develops mobilization plans for the Nation's communications resources, and is responsible for administering those resources in an emergency. This includes responsibility for exercise of the President's war powers in the communications field.

§ 201.6 Publications.

In addition to Directives, Circulars, and Public Notices of the Office published in the FEDERAL REGISTER, there is maintained a compilation of currently effective Policy Positions issued by the Office. This may be obtained from the Assistant to the Director (Press and Congress).

PART 202—STANDARDS OF CONDUCT

AUTHORITY: The provisions of this Part 202 issued under E.O. 11222; 3 CFR 306 (1964-65 comp.); 5 CFR 735.104.

§ 202.735-1 Purpose.

(a) The maintenance of unusually high standards of honesty, integrity, impartiality, and conduct by regular employees and special Government employees is essential to assure the proper performance of Government business and the maintenance of confidence by citizens in their Government. The avoidance of misconduct and conflicts of interest on the part of regular employees and special Government employees through informed judgment is indispensable to the maintenance of these standards.

(b) This part is intended to foster the foregoing concepts. It is issued in compliance with the requirements of Executive Order No. 11222 of May 8, 1965, and is based upon the provisions of that order, the regulations of the Civil Service Commission issued thereunder (Part 735 of Title 5), and the statutes cited elsewhere in this part.

§ 202.735-2 Definitions.

(a) For the purposes of this part, the terms "employee," "regular employee," and "regular Government employee" mean any officer or employee of the Office of Telecommunications Policy except a special Government employee.

(b) The term "special Government employee" means an officer or employee who is retained, designated, appointed, or employed by the Office of Telecommunications Policy to perform, with or without compensation, for not more than 130 days during any period of 365 consecutive days, temporary duties either on a full-time or intermittent basis.

(c) The term "person" means an individual, a corporation, a company, an association, a firm, a partnership, a society, a joint stock company, or any other organization or institution.

§ 202.735-3 Special Government employees.

Except where specifically provided otherwise, or where limited in terms or by the context to regular employees or regular Government employees, all provisions of this part relating to employees are applicable also to special Government employees.

§ 202.735-4 General standards of conduct.

(a) All employees shall conduct themselves on the job in such a manner that the work of the Office is efficiently accomplished and courtesy, consideration, and promptness are observed in dealings with the Congress, the public, and other governmental agencies.

(b) All employees shall conduct themselves off the job in such a manner as not to reflect adversely upon the Office or the Federal service.

(c) In all circumstances employees shall conduct themselves so as to exemplify the highest standards of integrity. An employee shall avoid any action, whether or not specifically prohibited by this part, which might result in or create the appearance of:

(1) Using public office for private gain;

(2) Giving preferential treatment to any person;

(3) Impeding Government efficiency or economy;

(4) Losing complete independence or impartiality;

(5) Making a Government decision outside official channels; or

(6) Affecting adversely the confidence of the public in the integrity of the Government.

§ 202.735-5 Responsibilities of employees.

(a) The Executive Assistant shall distribute copies of this part to each regular employee and special Government employee within 30 days after the effective date thereof. In the case of a new regular employee or special Government employee entering on duty after the date of such distribution, a copy shall be furnished at the time of his entrance on duty. All regular and special Government employees shall familiarize themselves with the contents of this part.

(b) Copies of the Executive order, regulations, and statutes referred to in § 202.735-1, together with various explanatory materials, are available for inspection in the General Counsel's Office at any time during regular business hours. Employees are encouraged to consult these basic materials in any case of doubt as to the proper application or interpretation of the provisions of this part.

(c) Attention of all employees is directed to House Concurrent Resolution 175, 85th Congress, second session, 72 Stat. B12, the "Code of Ethics for Government Service", which is attached to this part as Appendix A.

§ 202.735-6 Interpretation and advisory service; counseling.

(a) The Director shall appoint a Counselor for the Office who shall serve also as the Office's designee to the Civil Service Commission on matters covered by this part. The Director may, in his discretion, appoint one or more deputy counselors to serve under the direction of the Counselor.

(b) The Executive Assistant shall notify all employees and special Government employees of the availability of counseling services, and of how and where such services are available. Such notification shall be made within 90 days after the effective date of this part, and periodically thereafter. In the case of a new employee or special Government employee appointed after the date of such notification, notification shall be given at the time of his entrance on duty.

§ 202.735-7 Disciplinary action.

(a) A violation of any provision of this part by an employee may be cause for appropriate disciplinary action which may be in addition to any penalties prescribed by law. (As to remedial action in cases where an employee's financial interests result in a conflict or apparent conflict of interest, see § 202.735-26.)

(b) Any disciplinary or remedial action taken pursuant to this part shall be effected in accordance with any applicable laws, Executive orders, or regulations.

§ 202.735-8 Conflicts of interest.

(a) A conflict of interest may exist whenever an employee has a substantial personal or private interest in a matter which involves his duties and responsibilities as an employee. The maintenance of public confidence in Government clearly demands that an employee take no action which would constitute the use of his official position to advance his personal or private interests. It is equally important that each employee avoid becoming involved in situations which present the possibility, or even the appearance, that his official position might be used to his private advantage.

(b) Neither the pertinent statutes nor the standards of conduct prescribed in this part are to be regarded as entirely comprehensive. Each employee must, in each instance involving a personal or private interest in a matter which also involves his duties and responsibilities as an employee, make certain that his actions do not have the effect or the appearance of the use of his official position for the furtherance of his own interests or those of his family or his business associates.

(c) The principal statutory provisions relating to bribery, graft, and conflicts of interest are contained in Chapter 11 of the Criminal Code, 18 U.S.C. 201-224. Severe penalties are provided for violations, including various fines, imprisonment, dismissal from office, disqualification from holding any office of honor, trust, or profit under the United States.

§ 202.735-9 Disqualification because of private financial interests.

(a) Unless authorized to do so as provided hereafter in this section, no employee shall participate personally and substantially as a Government employee in a particular matter in which to his knowledge, he has a financial interest. (18 U.S.C. 208)

(1) For the purposes of this section—

(i) An employee participates personally and substantially in a particular matter through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise;

(ii) A particular matter is a judicial or other proceeding, application, request for ruling or other determination, contract, claim, controversy, charge, accusation, arrest, or other particular matter; and

(iii) A financial interest is the interest of the employee himself or his spouse, minor child, partner, organization in which he is serving as officer, director, trustee, partner or employee, or any person or organization with whom he is negotiating or has any arrangement concerning prospective employment.

(b) An employee who has a financial interest (other than a financial interest exempted under paragraph (c) of this section) in a particular matter which is within the scope of his official duties shall make a full disclosure of that interest to the Executive Assistant in writing. He shall not participate in such matter unless and until he receives a written determination by the Director pursuant to section 208 of title 18, United States Code, that the interest is not so substantial as to be deemed likely to affect the integrity of the services which the Government may expect of him. If the Director does not make such a determination, he shall direct such remedial action as may be appropriate under the provisions of § 202.735-26.

(c) The financial interests described in this paragraph are hereby exempted, pursuant to the provisions of section 208 of title 18, United States Code, from the restrictions of paragraph (a) of this section and of section 208 of title 18 as being too remote or inconsequential to affect the integrity of an employee's services in a matter:

(1) Stocks, bonds, or policies in a mutual fund, investment company, bank, or insurance company: *Provided*, That in the case of a mutual fund, investment company, or bank, the fair value of such stock or bond holding does not exceed 1 percent of the value of the reported assets of the mutual fund, investment company, or bank. In the case of a mutual fund or investment company, this exemption applies only where the assets of the fund or company are diversified: it does not apply where the fund or company advertises that it specializes in a particular industry or commodity.

(2) Interest in an investment club, provided, that the fair value of the interest involved does not exceed $5,000, and that the interest does not exceed one-fourth of the total assets of the investment club.

§ 202.735-10 Additional prohibitions—regular Government employees.

(a) In addition to the disqualification described in § 202.735-9, a regular Government employee is subject to the following major prohibitions:

(1) He may not, except in the discharge of his official duties, represent anyone else before a court or Government agency in a matter in which the United States is a party or has an interest. This prohibition applies both to paid and unpaid representation of another. (18 U.S.C. 203 and 205)

(2) He may not, after his Government employment has ended, represent anyone other than the United States in connection with a matter in which the United States is a party or has an interest and in which he participated personally and substantially for the Government. (18 U.S.C. 207(a))

(3) He may not, for 1 year after his Government employment has ended, represent anyone other than the United States in connection with a matter in which the United States is a party or has an interest and which was within the boundaries of his official responsibility during the last year of his Government service. (18 U.S.C. 207(b)) (This temporary restraint is permanent if the matter is one in which he participated personally and substantially. See subparagraph (2) of this paragraph.)

(4) He may not receive any salary, or supplementation of his Government salary from a private source as compensation for his services to the Government. (18 U.S.C. 209) (See § 202.735-13)

(b) Exemptions or exceptions from the prohibitions described in paragraph (a) of this section are permitted under certain circumstances. For the method of obtaining such exemptions or exceptions, see paragraph (d) of § 202.735-12.

§ 202.735-11 Additional prohibitions—special Government employees.

(a) In addition to the disqualification described in § 202.735-9, a special Government employee is subject to the following major prohibitions:

(1) He may not, except in the discharge of his official duties—

(i) Represent anyone else before a court or Government agency in a matter in which the United States is a party or has an interest and in which he has at any time participated personally and substantially for the Government (18 U.S.C. 203 and 205), or

(ii) Represent anyone else in a matter pending before the Office unless he served there no more than 60 days during the previous 365. (18 U.S.C. 203 and 205) He is bound by this restraint despite the fact that the matter is not one in which he has ever participated personally and substantially.

(2) He may not, after his Government employment has ended, represent anyone other than the United States in connection with a matter in which the United States is a party or has an interest and in which he participated personally and substantially for the Government. (18 U.S.C. 207(a))

(3) He may not, for 1 year after his Government employment has ended, represent anyone other than the United States in connection with a matter in which the United States is a party or has an interest and which was within the boundaries of his official responsibility during the last year of his Government service. (18 U.S.C. 207(b)) (This temporary restraint is permanent if the matter is one in which he participated personally and substantially. See subparagraph (2) of this paragraph.)

(b) Exemptions or exceptions from the prohibitions described in paragraph (a) of this section are permitted under certain circumstances; for the method of obtaining such exemptions or exceptions, see § 202.735-12(d).

§ 202.735-12 Exemptions and exceptions from prohibitions of conflict of interest statutes.

(a) Nothing in this part shall be deemed to prohibit an employee, if it is not otherwise inconsistent with the faithful performance of his duties, from acting without compensation as agent or attorney for any person in a disciplinary, loyalty, or other Federal personnel administration proceeding involving such person.

(b) Nothing in this part shall be deemed to prohibit an employee from acting, with or without compensation, as agent or attorney for his parents, spouse, child, or any person for whom, or for any estate for which, he is serving as guradian, executor, administrator, trustee, or other personal fiduciary, except in those matters in which he has participated personally and substantially as a Government employee, through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise, or which are the subject of his official rseponsibility, as defined in section 202(b) of title 18 of the United States Code: *Provided*, That the Executive Assistant approves.

(c) Nothing in this part shall be deemed to prohibit an employee from giving testimony under oath or from making statements required to be made under penalty for perjury or contempt.

(d) In addition to the exemptions and exceptions described in this section and in § 202.735-9, the conflict of interest statutes permit certain exemptions and exceptions in specific circumstances. The procedure for effecting such exemptions or exceptions is as follows:

(1) Any regular employee or special Government employee who desires approval or certification of his activities as provided for by section 205 of title 18, United States Code, shall make application therefor in writing to the Executive Assistant.

(2) A former employee, including a former special Government employee, who desires certification with regard to his activities under section 207 of title 18, United States Code, shall make application therefor in writing to the Executive Assistant.

(3) The Executive Assistant shall report promptly to the Director, all matters reported to him under this part which require consideration of approvals, certifications, or determinations provided for in sections 205, 207, or 208 of title 18, United States Code, except that approvals requested under the provisions of paragraph (b) of this section may be granted by the Executive Assistant without reference to anyone else.

§ 202.735-13 Salary of employees payable only by United States.

(a) No employee, other than a special Government employee or an employee serving without compensation, shall receive any salary, or any contribution to or supplementation of salary, as compensation for his services as an employee, from any source other than the Government of the United States, except as may be contributed out of the treasury of any State, county, or municipality. (18 U.S.C. 209)

(b) Nothing in this part shall be deemed to prohibit an employee from continuing to participate in a bona fide pension, retirement, group life, health.

or accident insurance, profit-sharing, stock bonus, or other employee welfare or benefit plan maintained by a former employer, nor from accepting contributions, awards, or other expenses under the terms of the Government Employees Training Act, 5 U.S.C. 2301-2319.

§ 202.735-14 Gifts, entertainment, and favors.

(a) Except as provided in paragraph (b) of this section and in § 202.735-15, an employee shall not solicit or accept, directly or indirectly, any gift, gratuity, favor, entertainment, loan, or any other thing of monetary value from a person who:

(1) Has, or is seeking to obtain, contractual or other business or financial relations with the Office;

(2) Conducts operations or activities which are regulated by the Office; or

(3) Has interests which may be substantially affected by the performance or nonperformance of his official duty.

(b) Notwithstanding paragraph (a) of this section, an employee may:

(1) Accept a gift, gratuity, favor, entertainment, loan, or other thing of monetary value from a friend, parent, spouse, child, or other close relative when the circumstances make it clear that the family or personal relationship involved are the motivating factors;

(2) Accept food or refreshments of nominal value on infrequent occasions in the ordinary course of a luncheon or dinner meeting or other meeting or on an inspection tour where an employee may properly be in attendance;

(3) Accept loans from banks or other financial institutions on customary terms to finance proper or usual activities of employees, such as home mortgage loans; and

(4) Accept unsolicited advertising or promotional material, such as pens, pencils, note pads, calendars, or other items of nominal intrinsic value.

(c) An employee shall not solicit contributions from another employee for a gift to an employee in a superior official position. An employee in a superior official position shall not accept a gift presented as a contribution from employees receiving less salary than himself. An employee shall not make a donation as a gift to an employee in a superior official position. (5 U.S.C. 7351)

(d) The Constitution (Art. 1. sec. 9, par. 8) prohibits acceptance from foreign governments, except with the consent of Congress, of any emolument, office, or title. The Congress has provided that, except in the case of certain gifts of minimal value and specified military decorations, all such presents, decorations, and other things shall be tendered to the State Department for use and disposal as property of the United States. (5 U.S.C. 7342) Any such gift or thing which cannot appropriately be refused shall be submitted to the Executive Assistant for transmittal to the State Department.

§ 202.735-15 Outside employment and other activities.

(a) An employee shall not engage in outside employment or other outside activity not compatible with the full and proper discharge of the duties and responsibilities of his Government employment. Incompatible activities include, but are not limited to:

(1) Acceptance of a fee, honorarium compensation, gift, payment of expense, or any other thing of monetary value in circumstances in which acceptance may result in, or create the appearance of, a conflict of interest; or

(2) Outside employment which tends to impair the employee's mental or physical capacity to perform his Government duties and responsibilities in an acceptable manner.

(b) Within the limitations imposed by this section, employees are encouraged to engage in teaching, lecturing, and writing. However, an employee shall not, either for or without compensation, engage in teaching, lecturing, or writing (including teaching, lecturing, or writing for the purpose of the special preparation of a person or class of persons for an examination of the Civil Service Commission or the Board of Examiners for the Foreign Service) that is dependent on information obtained as a result of his Government employment, except when that information has been made available to the general public or will be made available on request, or when the Director gives written authorization for the use of nonpublic information on the basis that the use is in the public interest. In addition, an employee who is a Presidential appointee covered by section 401(a) of Executive Order No. 11222 of May 8, 1965, shall not receive compensation or anything of monetary value for any consultation, lecture, discussion, writing, or appearance the subject matter of which is devoted substantially to the responsibilities, programs, or operations of his agency, or which draws substantially on official data or ideas which have not become part of the body of public information.

(c) [Reserved]

(d) Neither this section nor § 202.735-14 precludes an employee from:

(1) Receipt of bona fide reimbursement, unless prohibited by law, for actual expenses for travel and such other necessary subsistence as is compatible with this part and for which no Government payment or reimbursement is made. However, an employee may not be reimbursed, and payment may not be made on his behalf, for excessive personal living expenses, gifts, entertainment or other personal benefits. Further, an employee may not be reimbursed by a person for travel on official business under agency orders in circumstances where reimbursement would be proscribed by Comptroller General's decision B-128527 of March 7, 1967.

(2) Participation in the activities of national or State political parties not proscribed by law. (See § 202.735-22(o) regarding proscribed political activities.)

(3) Participation in the affairs of, or acceptance of an award for a meritorious public contribution or achievement given by a charitable, religious, professional, social, fraternal, nonprofit educational or recreational, public service, or civic organization.

(e) An employee who intends to engage in outside employment shall obtain the approval of the Executive Assistant. A record of each approval under this paragraph shall be filed in the employee's official personnel folder.

(f) This section does not apply to special government employees, who are subject to the provisions of § 202.735-23.

§ 202.735-16 Financial interests.

(a) An employee may not have financial interests which—

(1) Establish a substantial personal or private interest in a matter which involves his duties and responsibilities as an employee; or

(2) Are entered into in reliance upon, or as a result of, information obtained through his employment; or

(3) Result from active and continuous trading (as distinguished from the making of bona fide investments) which is conducted on such a scale as to interfere with the proper performance of his duties.

(b) Aside from the restrictions prescribed or cited in this part, employees are free to engage in lawful financial transactions to the same extent as private citizens. Employees should be aware that the financial interests of their wives or minor children and blood relatives who are full-time residents of their households may be regarded, for the purposes of this section, as financial interests of the employees themselves.

(c) This section does not apply to special Government employees, who are subject to the provisions of § 202.735-23.

§ 202.735-17 Use of Government property.

An employee shall not directly or indirectly use or allow the use of, Government property of any kind, including property leased to the Government, for other than officially approved activities. An employee has a positive duty to protect and conserve Government property, including equipment, supplies, and other property entrusted or issued to him.

§ 202.735-18 Misuse of information.

For the purpose of furthering a private interest, an employee shall not, except as provided in paragraph (b) of § 202.735-15, directly or indirectly use, or allow the use of, official information obtained through or in connection with his Government employment which has not been made available to the general public.

§ 202.735-19 Indebtedness.

An employee shall pay each just financial obligation in a proper and timely manner, especially one imposed by law such as Federal, State, or local taxes. For the purpose of this section, a "just financial obligation" means one acknowledged by the employee or reduced to judgment by a court, and "in a proper and timely manner" means in a manner which the Office determines does not, under the circumstances, reflect adversely on the Government as his employer. In the event of dispute between an employee and an alleged creditor, this section does not require the Office to determine the validity or amount of the disputed debt.

§ 202.735–20 Gambling, betting, and lotteries.

An employee shall not participate, while on Government-owned or leased property or while on duty for the Government, in any gambling activity, including the operation of a gambling device, in conducting a lottery or pool, in a game for money or property, or in selling or purchasing a numbers slip or ticket. However, this section does not preclude solicitations by employee organizations when approved by the Office under section 3 of Executive Order No. 10927, or other similar Office-approved activities.

§ 202.735–21 General conduct prejudicial to the Government.

An employee shall not engage in criminal, infamous, dishonest, immoral, or notoriously disgraceful conduct, or other conduct prejudicial to the Government.

§ 202.735–22 Miscellaneous statutory provisions.

Each employee shall acquaint himself with each statute that relates to his ethical and other conduct as an employee of the Office and of the Government. In particular, attention of employees is directed to the following statutory provisions:

(a) Chapter 11 of title 18, United States Code, relating to bribery, graft, and conflicts of interest, as appropriate to the employees concerned (see §§ 202.735–9, 202.735–10, and 202.735–11).

(b) The prohibition against lobbying with appropriated funds. (18 U.S.C. 1913)

(c) The prohibitions against disloyalty and striking. (5 U.S.C. 7311, 18 U.S.C. 1918)

(d) The prohibition against the employment of a member of a Communist organization. (50 U.S.C. 784)

(e) The prohibitions against, (1) the disclosure of classified information (18 U.S.C. 798, 50 U.S.C. 783), and (2) the disclosure of confidential information. (18 U.S.C. 1905)

(f) The provision relating to the habitual use of intoxicants to excess. (5 U.S.C. 7352)

(g) The prohibition against the misuse of a Government vehicle. (31 U.S.C. 638a(c))

(h) The prohibition against the misuse of the franking privilege. (18 U.S.C. 1719)

(i) The prohibition against the use of deceit in an examination or personnel action in connection with government employment. (18 U.S.C. 1917)

(j) The prohibition against fraud or false statements in a government matter. (18 U.S.C. 1001)

(k) The prohibition against mutilating or destroying a public record. (18 U.S.C. 2071)

(l) The prohibition against counterfeiting and forging transportation requests. (18 U.S.C. 508)

(m) The prohibition against, (1) embezzlement of government money or property (18 U.S.C. 641); (2) failing to account for public money (18 U.S.C. 643); and (3) embezzlement of the money or property of another person in the possession of an employee by reason of his employment. (18 U.S.C. 654)

(n) The prohibition against unauthorized use of documents relating to claims from or by the Government. (18 U.S.C. 285)

(o) The prohibitions against proscribed political activities in subchapter III of chapter 73 of title 5, United States Code, and 18 U.S.C. 602, 603, 607, and 608.

(p) The prohibition against an employee acting as the agent of a foreign principal under the Foreign Agents Registration Act. (18 U.S.C. 219)

§ 202.735–23 Conduct and responsibilities of special Government employees.

(a) A special Government employee shall not use his Government employment for a purpose that is, or gives the appearance of being, motivated by the desire for private gain for himself or another person, particularly one with whom he has family, business, or financial ties.

(b) A special Government employee shall not use inside information obtained as a result of his Government employment for private gain for himself or another person whether by direct action on his part or by counsel, recommendation, or suggestion to another person, particularly one with whom he has family, business, or financial ties. For the purposes of this section, "inside information" means information obtained under Government authority which has not become part of the body of public information.

(c) A special Government employee who engages in teaching, lecturing, or writing, whether for or without compensation, shall not for such purposes make use of information obtained as a result of his Government employment, except when that information has been made available to the general public or will be made available on request, or when the Director gives written authorization for the use of nonpublic information on the basis that such use is in the public interest.

(d) A special Government employee shall not use his Government employment to coerce, or give the appearance of coercing, a person to provide financial benefit to himself or another person, particularly one with whom he has family, business, or financial ties.

(e) Except as provided in paragraph (f) of this section, a special Government employee, while so employed or in connection with his employment, shall not receive or solicit from a person having business with his agency anything of value as a gift, gratuity, loan, entertainment, or favor for himself or another person, particularly one with whom he has family, business, or financial ties.

(f) Notwithstanding paragraph (e) of this section, a special Government employee shall be allowed the same latitude as is authorized for regular Government employees by § 202.735–14(b).

(g) Attention of special Government employees is directed to the provisions of § 202.735–3, making the provisions of this part generally applicable to their activities.

§ 202.735–24 Reporting of employment and financial interests—regular Government employees.

(a) Not later than 90 days after the effective date of this part, an employee designated in paragraph (d) of this section shall submit a statement, on a form made available by the Executive Assistant, setting forth the information specified hereafter in this section. Such statements shall be submitted to the Executive Assistant.

(1) A list of the names of all corporations, companies, firms, or other business enterprises, partnerships, nonprofit organizations, and educational or other institutions with or in which he, his spouse, minor child, or other member of his immediate household has—

(i) Any connection as an employee, officer, owner, director, member, trustee, partner, adviser, or consultant; or

(ii) Any continuing financial interest, through a pension or retirement plan, shared income, or other arrangement as a result of any current or prior employment or business or professional association; or

(iii) Any financial interest (except those described in paragraph (c) of § 202.735–9) through the ownership of stock, stock options, bonds, securities, or other arrangements including trusts. ("Shares" in savings and loan associations which are in the nature of savings deposits need not be reported under this section.)

(2) A list of the names of his creditors and the creditors of his spouse, minor child, or other member of his immediate household, other than those creditors to whom they may be indebted by reason of a mortgage on property which he occupies as a personal residence or to whom they may be indebted for current and ordinary household and living expenses such as those incurred for household furnishing, an automobile, education, vacations, or the like.

(3) A list of his interests and those of his spouse, minor child, or other member of his immediate household in real property or rights in lands, other than property which he occupies as a personal residence.

(b) For the purpose of this section "member of his immediate household" means a full-time resident of the employee's household who is related to him by blood.

(c) Each employee designated in paragraph (d) of this section who enters on duty after the effective date of this part shall submit such statement not later than 30 days after the date of his entrance on duty, but not earlier than 90 days after the effective date of this part.

(d) Statements of employment and financial interests are required of the following:

(1) Employees listed in the Executive Schedule, except a Presidential appointee required to file a statement of financial interests under section 401 of Executive Order No. 11222 of May 8, 1965.

(2) Employees in classified positions of grade GS-14, equivalent military rank, or above.

(e) Changes in, or additions to, the information contained in an employee's statement of employment and financial interests shall be reported in a supplementary statement as of June 30 each year. If no changes or additions occur, a negative report is required. Notwithstanding the filing of the annual report required by this section, each employee shall at all times avoid acquiring a financial interest that could result, or taking an action that would result, in a violation of the conflicts-of-interest provisions of section 208 of title 18, United States Code, or of the regulations in this Part 202.

(f) If any information required to be included on a statement of employment and financial interests or supplementary statement, including holdings placed in trust, is not known to the employee but is known to another person, the employee shall request that other person to submit the information in his behalf.

(g) Paragraph (a) of this section does not require an employee to submit any information relating to his connection with, or interest in, a professional society or a charitable, religious, social, fraternal, recreational, public service, civic, or political organization or a similar organization not conducted as a business enterprise. For the purpose of this section, educational and other institutions doing research and development or related work involving grants of money from or contracts with the Government are deemed "business enterprises" and are required to be included in an employee's statement of employment and financial interests.

(h) The Office shall hold each statement of employment and financial interests in confidence, and shall not allow access to, or allow information to be disclosed from, any such statement except as may be necessary to carry out the purpose of this part. The Office may not disclose information from a statement except as the Civil Service Commission or the Director may determine for good cause shown.

(i) The statements of employment and financial interests and supplementary statements required of employees are in addition to, and not in substitution for, or in derogation of, any similar requirement imposed by law, order, or regulation. The submission of a statement by an employee does not permit him or any other person to participate in a matter in which his or the other person's participation is prohibited by law, order, or regulation.

(j) This section does not apply to special Government employees, who are subject to the provisions of § 202.735-25.

(k) Employees in positions that meet the criteria in paragraph (d)(2) of this section may be excluded from the reporting requirement when the Director determines that (1) the duties of a position are such that the likelihood of the incumbent's involvement in a conflicts-of-interest situation is remote; or (2) the duties of a position are at such a level of responsibility that the submission of a statement of employment and financial interests is not necessary because of the degree of supervision and review over the incumbent or the inconsequential effect on the integrity of the Government. Application for such a determination shall be made in writing to the Director through the Executive Assistant.

§ 202.735-25 Reporting of employment and financial interests—special Government employees.

(a) A special Government employee shall submit to the Executive Assistant a statement of employment and financial interests which reports (1) all current Federal Governmnt employment, (2) the names of all corporations, companies, firms, State or local governmental organizations, research organizations, and educational or other institutions in or for which he is an employee, officer, member, owner, trustee, director, adviser, or consultant, with or without compensation, (3) the names of all corporations in which he holds stocks or bonds, and (4) the names of all partnerships in which he is engaged.

(b) A statement required under this section shall be submitted at the time of employment on a form supplied by the Executive Assistant and shall be kept current throughout the term of a special Government employee's service with the Office. A supplementary statement shall be submitted at the time of any reappointment; a negative report will suffice if no changes have occurred since the submission of the last previous statement.

§ 202.735-26 Reviewing statements of financial interests.

(a) The Executive Assistant shall review the statements required by §§ 202.735-24 and 202.735-25 to determine whether there exists a conflict, or appearance of conflict, between the interests of the employee or special Government employee concerned and the performance of his service for the Government. If the Executive Assistant determines that such a conflict, or appearance of conflict exists, he shall provide the employee with an opportunity to explain the conflict or appearance of conflict. If he concludes that remedial action should be taken, he shall refer the statement to the Director, through the Counselor for the Office designated pursuant to § 202.735-6, with his recommendation for such action. The Director, after consideration of the employee's explanation and such investigation as he deems appropriate, shall direct appropriate remedial action if he deems it necessary.

(b) Remedial action pursuant to paragraph (a) of this section may include, but is not limited to:

(1) Changes in assigned duties.

(2) Divestment by the employee of his conflicting interest.

(3) Disqualification for a particular action.

(4) Exemption pursuant to paragraph (b) of § 202.735-9 or paragraph (d) of § 202.735-12.

(5) Disciplinary action.

APPENDIX A

HOUSE CONCURRENT RESOLUTION 175, 85TH CONGRESS, SECOND SESSION

Resolved by the House of Representatives (the Senate concurring). That it is the sense of the Congress that the following Code of Ethics should be adhered to by all Government employees, including officeholders:

CODE OF ETHICS FOR GOVERNMENT SERVICE

Any person in Government service should:

1. Put loyalty to the highest moral principles and to country above loyalty to persons, party, or Government department.
2. Uphold the Constitution, laws, and legal regulations of the United States and of all governments therein and never be a party to their evasion.
3. Give a full day's labor for a full day's pay; giving to the performance of his duties his earnest effort and best thought.
4. Seek to find and employ more efficient an economical ways of getting tasks accomplished.
5. Never discriminate unfairly by the dispensing of special favors or privileges to anyone, whether for remuneration or not; and never accept, for himself or his family, favors or benefits under circumstances which might be construed by reasonable persons as influencing the performance of his governmental duties.
6. Make no private promises of any kind binding upon the duties of office, since a Government employee has no private word which can be binding on public duty.
7. Engage in no business with the Government, either directly or indirectly, which is inconsistent with the conscientious performance of his governmental duties.
8. Never use any information coming to him confidentially in the performance of governmental duties as a means for making private profit.
9. Expose corruption wherever discovered.
10. Uphold these principles, ever conscious that public office is a public trust.

PART 211—EMERGENCY RESTORATION PRIORITY PROCEDURES FOR TELECOMMUNICATIONS SERVICES

Sec.
211.0 Purpose.
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211.7 Obligation of carriers.

AUTHORITY: The provisions of this Part 211 issued under 84 Stat. 2083 and Executive Order 11556 (35 F.R. 14193, 3 CFR 158 (1970 comp.)).

§ 211.0 Purpose.

This part establishes policies and procedures under which government and private entities will be furnished restoration priorities to ensure that leased intercity private line telecommunications services vital to the national interest will be maintained during the continuance of a war in which the United States is engaged. It supersedes the Director of Telecommunications Management Order of January 15, 1967 (32 F.R. 791, 47 CFR 201), which is hereby canceled. To assure the effective ability to implement its provisions, and also in order that government and industry resources may be used effectively under all conditions ranging from national emergencies to international crises, including nuclear attack, a single set of rules and procedures is essential, and they must be applied on a day-to-day basis so that the priorities they establish can be implemented at once when the occasion arises.

As provided for in Part 18 of Executive Order 11490, as amended (3 CFR 150, 177 (1969 comp.)), policies, plans, and procedures developed pursuant to that Executive order shall be in consonance with the plans and policies contained in this part.

§ 211.1 Authority.

(a) Authority to direct priorities for the restoration of communications services in national emergencies is vested in the President, including authority conferred by section 103 of the National Security Act of 1947, as amended (50 U.S.C. 404), section 101 of the Defense Production Act of 1950, as amended (50 U.S.C. App. 2070), section 201 of the Federal Civil Defense Act of 1950, as amended (50 U.S.C. App. 2281), section 1 of Reorganization Plan No. 1 of 1958, as amended (3 CFR 447 (1954-58 comp.)), and section 606 of the Federal Communications Act of 1934, as amended. (47 U.S.C. 606)

(b) Authority to develop policies and procedures for the establishment of such restoration priorities has been delegated to the Director of the Office of Telecommunications Policy by Executive Orders 10705, 11051, 11490, and by the President's Memorandum of August 21, 1963 (28 F.R. 9413, 3 CFR 858 (1959-63 comp.)), all as amended by Executive Order 11556 (3 CFR 158 (1970 comp.)).

§ 211.2 Definitions.

The following definitions apply herein—

(a) "Communications common carrier" or "carrier" means any person engaged in communications common carriage for hire, in intrastate, interstate, or international telecommunications.

(b) "Circuit" means a carrier's specific designation of the overall facilities provided between, and including, terminals for furnishing service. When service involves network switching, "circuit" includes those circuits between subscriber premises and switching centers (access lines) and those between switching centers (trunks).

(c) "Station" means transmitting or receiving equipment, or combination transmitting and receiving equipment, at any location, on any premise, connected for private line service.

(d) "Private line service" means leased intercity private line service provided by carriers for intercity domestic and international communications over integrated communications pathways, and includes interexchange facilities, local channels, and station equipment which may be integral components of such communications service.

(e) "Restoration" means the recommencement of service by patching, rerouting, substitution of component parts, and other means, as determined necessary by a carrier.

(f) "Government" means Federal, foreign, State, county, municipal, and other local government agencies. Specific qualifications will be supplied whenever reference to a particular level of government is intended, e.g., "Federal Government," "State government." "Foreign Government" includes coalitions of governments secured by treaty, including NATO, SEATO, OAS, UN, and associations of governments or government agencies, including the Pan American Union, International Postal Union, and International Monetary Fund. "Quasi-government" includes eleemosynary relief organizations, such as the Red Cross organizations.

(g) "National Communications System (NCS)" means that system established by the President's Memorandum of August 21, 1963, "Establishment of a National Communications System" (28 F.R. 9413, 3 CFR 858 (1959-63 comp.)).

(h) "Executive Agent" means the Executive Agent of the National Communications System.

(i) "Director" means the Director of the Office of Telecommunications Policy.

(j) "Commission" means the Federal Communications Commission.

§ 211.3 Scope and coverage.

(a) The priority system and procedures established by this part are applicable to:

(1) U.S. domestic leased intercity private line services, including private line switched network services;

(2) U.S. international leased private line services to the point of foreign entry;

(3) Foreign extensions of U.S. international leased private line services to the extent possible through agreement between U.S. carriers and foreign correspondents;

(4) International leased private line services terminating in or transiting the United States;

(5) Federal Government-owned and leased circuits.

(b) The priority system and procedures established by this part are not applicable to operational circuits or order wires of the carriers needed for circuit reactivation and maintenance purposes, which shall have priority of restoration over all other circuits and shall be exempt from interruption for the purpose of restoring priority services.

§ 211.4 Policy.

During the continuance of a war in which the United States is engaged and when the provisions of this part are invoked, all communications common carriers shall comply with the following principles insofar as possible:

(a) Whenever necessary to maintain or restore a service having a designated priority, services having lower priority, lower subpriority, or no priority, will be interrupted in the reverse order of priority starting with nonpriority services.

(b) When services are interrupted to restore priority services, carriers will endeavor if feasible to notify users of the reason for the preemption.

(c) When public correspondence circuits are needed to satisfy requirements for priority services, idle circuits will be selected first. A minimum number of public correspondence circuits shall at all times be kept available so as to provide for the transmission of precedence-type messages and calls.

(d) Communications common carriers will not interrupt conversations having priority classification except insofar as necessary to restore services of higher priority.

(e) It is recognized that as a practical matter in providing for the maintenance or restoration of a priority service or services operating within a multiple circuit-type facility (such as a carrier band, cable, or multiplex system), lower priority, lower subpriority, or nonpriority services on paralleled channels within a band or system may enjoy maintenance or restoration. Such reactivation shall not, however, interfere with the expeditious restoration of other priority services.

(f) The Executive Agent is authorized to instruct the carriers on the percentage of government-switched network intermachine trunks to be restored to provide capacity for priority access line traffic.

(g) The carriers are authorized to honor NCS-certified priorities from other authorized carriers for leased facilities.

(h) The carriers are authorized to honor restoration priorities certified by the Executive Agent.

(i) To ensure the effectiveness of the system of restoration priorities established by this part it is essential that rigorous standards be applied. Users are requested and directed to examine their private line service requirements in light of the criteria specified in this part and with regard to the availability of alternate communications facilities such as public correspondence message services, and Government-owned emergency communications systems.

§ 211.5 Priorities.

There are hereby established four levels of restoration priority. Within each level, subpriorities may be established by the Executive Agent, with the concurrence of the Director, for both government and nongovernment services. The subpriority categories currently in use, which have been established by the Executive Agent will remain in effect until modified. Compatibility of subcategories applicable to government and nongovernment users is essential to achieve the objective of a single restoration priority system.

(a) *Priority 1*. Priority 1 shall be the highest level of restoration priority, and shall be afforded only to Federal and Foreign Government private line services, and to Industrial/Commercial services which are designated for prearranged voluntary participation with the Federal Government in a national emergency. Circuit requirements in this level of priority shall be limited to those essential to national survival if nuclear attack occurs, for:

(1) Obtaining or disseminating critical intelligence concerning the attack, or immediately necessary to maintain the internal security of the United States;

(2) Conducting diplomatic negotiations critical to the arresting or limiting of hostilities;

(3) Executing military command and control functions essential to defense and retaliation;

(4) Giving warning to the U.S. population;

(5) Maintaining Federal Government functions essential to national survival under nuclear attack conditions.

(b) *Priority 2*. Priority 2 shall be the second highest level of restoration priority, and shall be afforded only to Federal and Foreign Government private line services, and to Industrial/Commercial services which are designated for prearranged voluntary participation with the Federal Government in a national emergency. Circuit requirements in this level shall be limited to those essential, at a time when nuclear attack threatens, to maintain an optimum defense posture and to give civil alert to the U.S. population. These are circuit requirements whose unavailability would present serious danger of:

(1) Reducing significantly the preparedness of U.S. defense and retaliatory forces;

(2) Affecting adversely the ability of the United States to conduct critical preattack diplomatic negotiations to reduce or limit the threat of war;

(3) Interfering with the effectual direction of the U.S. population in the interest of civil defense and survival;

(4) Weakening U.S. capability to accomplish critical national internal security functions;

(5) Inhibiting the provision of essential Federal Government functions necessary to meet a preattack situation.

(c) *Priority 3*. Priority 3 shall be the third highest level of restoration priority and shall be afforded to government, quasi-government, and Industrial/Commercial private line services: *Provided, however*, That Priority 3 will be afforded circuits serving Industrial/Commercial, State, county, municipal, and quasi-state and local government agencies only where, during an emergency, at least one station in the circuit (or in connected circuits if switched service is involved) will be manned continually, or where such circuits are automated and will be under constant surveillance from a remote location. Circuit requirements in this level shall be limited to those necessary for U.S. military defense and diplomacy, for law and order, and for national health and safety in a national emergency involving heightened possibility of hostilities. These are circuit requirements needed to:

(1) Insure performance of critical logistic functions, public utility services, and administrative-military support functions;

(2) Inform key diplomatic posts of the situation and of U.S. intentions;

(3) Secure and disseminate urgent intelligence;

(4) Distribute essential food and other supplies critical to health;

(5) Provide for critical damage control functions;

(6) Provide for hospitalization;

(7) Continue critical Government functions;

(8) Provide transportation for the foregoing activities.

(a) *Priority 4*. Priority 4 shall be the fourth highest restoration priority and shall be afforded to government, quasi-government, and Industrial/Commercial private line services: *Provided, however*, That Priority 4 will be afforded circuits serving Industrial/Commercial, State, county, municipal, and quasi-state and local government agencies only where, during an emergency, at least one station in the circuit (or in connected circuits if switched service is involved) will be manned continually, or where such circuits are automated and will be under constant surveillance from a remote location. Circuit requirements in this level shall be limited to those necessary for the maintenance of the public welfare and the national economy in a situation short of nuclear attack, or during reconstitution after attack. These include circuit requirements needed to continue the more important financial, economic, health, and safety activities of the nation.

§ 211.6 Submission and processing of restoration priority requests.

(a) Except as otherwise provided below, all requests for restoration priority assignments will be submitted to the Executive Agent in the format prescribed by him for processing and certification.

(b) Priority 3 and 4 applications from county and municipal governments, quasi-state and local government agencies and private entities shall be forwarded to the Federal Communications Commission for its approval and for certification to the carriers. These submissions will be in the form prescribed by the Commission.

(c) Industrial/Commercial entities designated for prearranged voluntary participation with the Federal Government in a national emergency should submit separate applications to the Commission when requesting the assignment of priorities in category 1 or 2. Such assignments will require the concurrence of the Director in order to be effective during a war emergency.

(d) Requests for restoration priority assignments made by Foreign Government agencies, except for NATO, NATO national military authority, and such other requests as the Executive Agent may be designate, will be submitted to the Department of State for initial evaluation and review. The Department will forward to the Executive Agent for processing and approval such of these requests as it finds acceptable.

(e) Requests for restoration priority assignments made by NATO, NATO national military authority, and such other requests as the Executive Agent may designate, will be forwarded through established Allied Long Lines Agency (ALLA) channels to the Secretary of Defense. The Secretary will forward to the Executive Agent for processing and approval such of these requests as he finds acceptable pursuant to approved NATO/U.S. procedures.

(f) Requests for temporary upgrading of restoration priority assignments occasioned by special critical conditions, including natural disasters, heightened diplomatic and political tenseness, and tracking and control of manned space operations, may be submitted to the Executive Agent together with such information as he may require for expedited processing decision.

(g) All assignments, denials, and changes of restoration priorities and subpriorities are subject to review and modification by the Director.

(h) When requesting service from the carriers the user must include the certified restoration priority on the service authorization.

§ 211.7 Obligation of carriers.

(a) During the continuance of a war in which the United States is engaged, and when the provisions of this part are invoked, all carriers shall accord restoration priority assignments certified pursuant to this part priority over all other circuits.

(b) To promote the national interest and defense preparedness, carriers shall:

(1) Maintain such records of restoration priority assignments certified pursuant to this part as may be necessary to enable prompt implementation;

(2) Notify the Executive Agent of foreign correspondent procedures affecting Federal Government services that are not reasonably consistent with the priority requirements of this part.

PART 214—PROCEDURES FOR THE USE AND COORDINATION OF THE RADIO SPECTRUM DURING A NATIONAL EMERGENCY

AUTHORITY: The provisions of this Part 214 issued under 84 Stat. 2083 and Executive Order 11556 (35 F.R. 14193, 3 CFR 158 (1970 Comp.)).

§ 214.0 Authority.

The provisions of this Part 214 are issued pursuant to Reorganization Plan No. 1 of 1970, 84 Stat. 2083, and Executive Order 11556 (3 CFR Part 159 (1970 Comp.)). This Part 214 replaces Annex 1 of DMO 3000.1, dated November 8, 1963 (28 F.R. 12273), which is being canceled by the Office of Emergency Preparedness.

§ 214.1 Purpose.

The purpose of this part is to provide guidance for the use of the radio spectrum in a period of war, or a threat of war, or a state of public peril or disaster or other national emergency.

§ 214.2 Scope.

This part covers procedures for the use of radiofrequencies upon proclamation by the President that there exists war, or a threat of war or a state of public peril or disaster or other national emergency or in order to preserve the neutrality of the United States. These procedures will be applied in the coordination, application for, and assignment of radiofrequencies upon order of the Director. These procedures are intended to be consistent with the provisions and procedures contained in emergency plans for use of the radio spectrum.

§ 214.3 Assumptions.

When the provisions of this part become operative, Presidential emergency authority, including Executive Order 11490 (3 CFR Part 150 (1969 comp.)), and other emergency plans regarding the allocation and use of national resources will be in effect. In a postattack period, the Director will have authority to make new or revised assignments of radio frequencies in accordance with authority delegated by the President.

§ 214.4 Planned actions.

(a) Whenever it is determined necessary to exercise, in whole or in part, the President's emergency authority over telecommunications, the Director will exercise that authority as specified in Executive Order 10705 (3 CFR Part 363 (1954–59 comp.)), as amended by Executive Order 11556 (3 CFR Part 158 (1970 comp.)).

(b) In this connection, and concurrently with the war or national emergency proclamation by the President, the Director will:

(1) Authorize the continuance in force of all outstanding frequency authorizations issued by the Director and the Federal Communications Commission (FCC), except as those authorizations may be modified by emergency plans for use of the radio spectrum and except as they may otherwise be modified or revoked by the Director in the national interest;

(2) Redelegate to the Secretary of Defense authority necessary to control the use of the radio spectrum in areas of active combat, where such control is necessary to the support of U.S. military operations;

(3) Close all non-Government radio stations in the international broadcasting service as defined in the FCC rules and regulations, except those carrying or scheduled to carry U.S. Government-controlled radio broadcasts;

(4) Close all amateur radio stations, except those operating as a part of the Radio Amateur Civil Emergency Service (RACES).

§ 214.5 Responsibilities.

(a) The Director will issue such policy guidance, rules, regulations, procedures, and directives as may be necessary to assure effective frequency usage during war or national emergency conditions.

(b) The FCC shall issue appropriate rules, regulations, orders, and instructions and take such other actions not inconsistent with the actions of the Director as may be necessary to ensure the immediate availability of the frequencies and facilities between 10 and 25,000 kHz provided for in emergency plans for use of the radio spectrum.

(c) The FCC shall assist the Director in the preparation of emergency plans pursuant to Part 18, Executive Order 11490 (3 CFR Part 150, 177–78 (1969 comp.)).

(d) Each Federal Government agency concerned shall develop and be prepared to implement its own plans, and shall make necessary preemergency arrangements with non-Government entities for the provision of desired facilities or services, all subject to the guidance and control of the Director.

§ 214.6 Postattack procedures and actions.

(a) The frequency management staff of the OTP, augmented by predesignated personnel from the frequency management staffs of the Government user agencies and the FCC, will have proceeded to the OTP relocation site in accordance with alerting orders in force.

(b) Government agencies having need for new radio frequency assignments or for modification of existing assignments involving a change in the frequency usage pattern shall unless otherwise provided submit applications therefor to the Director by whatever means of communication are available and appropriate, together with a statement of any preapplication coordination accomplished. The Director will review such applications, accomplish the necessary additional coordination insofar as practicable, consider all pertinent views and comments, and grant or deny, as he shall determine, the assignment of such frequencies. All concerned will be informed promptly of his decisions.

(c) Non-Government entities having need for new radio frequency assignments or for modifications of existing assignments will continue to submit applications therefor to the FCC, or in accordance with FCC instructions. Such applications shall be coordinated with the Director and granted subject to the approval of the Director or his delegate.

(d) All changes of radio frequency usage within U.S. military theaters of operation will be coordinated with the Director where harmful interference is likely.

(e) Where submission to the Director is impracticable, the applicant shall:

(1) Consult emergency plans for use of the radio spectrum and the Frequency Assignment Lists;

(2) Accomplish such coordination as appropriate and possible;

(3) Act in such manner as to have a minimum impact upon established services, accepting the responsiblity entailed in taking the temporary action required;

(4) Advise the Director as soon as possible of the action taken, and submit an application for retroactive approval.

PART 215—FEDERAL GOVERNMENT FOCAL POINT FOR ELECTROMAGNETIC PULSE (EMP) INFORMATION

AUTHORITY: The provisions of this Part 215 issued under 84 Stat. 2083 and Executive Order 11556. (35 F.R. 14193, 3 CFR 158 (1970 comp.))

§ 215.0 Purpose and authority.

The purpose of this part is to designate a focal point within the Federal Government for electromagnetic pulse (EMP) information concerning telecommunications. It is issued pursuant to the authority of Reorganization Plan No. 1 of 1970, 84 Stat. 2083, Executive Order 11556 (3 CFR Part 158 (1970 comp)), and the President's Memorandum of August 21, 1963, "Establishment of a National Communications System." (28 F.R. 9413, 3 CFR Part 858 (1959–63 comp.))

§ 215.1 Background.

(a) The nuclear electromagnetic pulse (EMP) is part of the complex environment produced by nuclear explosions. It consists of transient voltages and currents which can cause malfunctioning and serious damage to electrical and electronic equipment.

(b) The Defense Nuclear Agency (DNA) is the overall technical coordinator for the Army, Navy, Air Force, and AEC laboratories on matters concerning nuclear weapons, nuclear weapons effects, and nuclear weapons testing. It acts as the focal point between the service laboratories and other agencies. The Defense Communcations Agency (DCA) maintains a data base for telecommunications for the National Communications System (NCS) and provides a capability for conducting telecommunications survivability studies for civil and military departments and agencies.

(c) In order to disseminate among affected Federal agencies information concerning the telecommunications effects of EMP and available protective measures, and in order to avoid duplication of research efforts, it is desirable to designate a focal point within the Federal Government for telecommunications EMP matters.

§ 215.2 Assignment of responsibilities.

The Executive Agent, NCS, shall be the focal point within the Federal Government for all EMP technical data and studies concerning telecommunications. It shall provide such data and the results of such studies to all appropriate agencies requesting them. It shall coordinate and approve EMP telecommunications tests and studies, and shall keep the Office of Telecommunications Policy informed regarding such tests and studies being conducted and planned.

[FR Doc.71-19165 Filed 12-29-71;2:04 pm]

Title 49—TRANSPORTATION

Chapter I—Hazardous Materials Regulations Board, Department of Transportation

[Amdt. 192-6; Docket No. OPS-3E]

PART 192—TRANSPORTATION OF NATURAL AND OTHER GAS BY PIPELINE: MINIMUM FEDERAL SAFETY STANDARDS

Odorization of Gas in Transmission Lines

The purpose of this amendment is to extend, from January 1, 1972, to September 1, 1972, the latest date until which the interim minimum Federal safety standards applying to gas odorization may be kept in effect in those States now requiring the odorization of gas in transmission lines.

On November 6, 1970, the Department issued Amendment 192-2, revising paragraph (a) of § 192.625 of Title 49 of the Code of Federal Regulations and adding a new paragraph (g) to that section (35 F.R. 17335, November 11, 1970). This amendment kept the interim standards applying to odorization in effect, in those States whose interim standards required the odorization of gas in transmission lines, until January 1, 1972, or the date upon which the distribution companies odorize gas in accordance with paragraphs (a) through (f) of § 192.625, whichever occurred earlier.

In the preamble to Amendment 192-2, the Department stated that it "* * * wishes to determine how many distribution companies in those States will be affected by the elimination of the requirement, the extent of the additional action that must be undertaken by them, the length of time it will take them to assume these new functions, and the costs. It also desires to make a more thorough evaluation of the safety benefits of transmission line odorization."

Accordingly, the problem was studied by the Department during the year 1971. However, the information received conflicts in many respects with the information submitted as a result of the original notice of proposed rule making on § 192.625 (35 F.R. 5482, April 2, 1970) and the informal public hearing that was held on September 17, 1970. This is particularly true with regard to the characteristics of various odorants, such as corrosiveness, durability in soil, etc. The Department has not yet arrived at acceptable answers regarding the effect of these characteristics on the use of odorants in transmission lines, and their contribution to safety in densely populated areas. Consequently, it has become apparent that there is a need for additional study before the interim standards are revoked in those States requiring odorization in transmission lines.

In order to allow sufficient time for the resolution of these problems, the interim standards for odorization of gas transmission lines, in each State now requiring that odorization, will be extended until September 1, 1972, or until the date upon which the distribution companies in that State have actually taken over the odorization of gas in mains and service lines in accordance with the requirements of § 192.625, whichever is earlier. Until that time, gas in transmission lines must continue to be odorized in those States. The additional 9 months should allow sufficient time to resolve the conflicting information that has been developed during the study.

Although section 3 of the Natural Gas Pipeline Safety Act of 1968 provides that no State agency may adopt or continue in force additional or more stringent standards applicable to interstate transmission facilities after the Federal safety standards become effective, the Federal standards are minimum standards and an operator may voluntarily exceed them. Thus, after September 1, 1972 (or the earlier date, if applicable), in those States where transmission companies are equipped to odorize their lines, and actually do so at the present time, they may continue to do so, even in the absence of Federal requirements.

Since the regulatory provisions that are affected by this amendment are in effect, and since this amendment will impose no additional burden on any person, I find that notice and public procedure thereon are impractical and unnecessary and that good cause exists for making it effective on less than 30 days notice.

In consideration of the foregoing, § 192.625 of Title 49 of the Code of Federal Regulations is amended by revising subparagraph (g)(1) to read as follows:

§ 192.625 Odorization of gas.

* * * * *

(g) * * *

(1) September 1, 1972; or

* * * * *

This amendment is issued under the authority of the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. section 1671 et seq.), Part 1 of the Regulations of the Office of the Secretary of Transportation (49 CFR Part 1), and the delegation of authority to the Director, Office of Pipeline Safety, dated November 6, 1968 (33 F.R. 16468.)

Issued in Washington, D.C., on December 28, 1971.

JOSEPH C. CALDWELL,
Acting Director,
Office of Pipeline Safety.

[FR Doc.71-19168 Filed 12-30-71;8:49 am]

Chapter X—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S.O. 1030, Amdt. 10]

PART 1033—CAR SERVICE

Chicago, Rock Island and Pacific Railroad Co. Authorized To Operate Over Tracks of the Atchison, Topeka, and Santa Fe Railway Co.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 13th day of December 1971.

Upon further consideration of Service Order No. 1030 (34 F.R. 11211, 15250; 35 F.R. 5334, 10661, 15294; 36 F.R. 5978, 11999, 19370), and good cause appearing therefor:

It is ordered, That: § 1033.1030 *Service Order No. 1030* (Chicago, Rock Island and Pacific Railroad Co. authorized to operate over tracks of the Atchison, Topeka, and Santa Fe Railway Co.) be, and it is hereby, amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) *Expiration date*. This order shall expire at 11:59 p.m., June 30, 1972, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., December 31, 1971.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17 (2). Interprets or applies secs. 1(10-17), 15 (4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10-17), 15(4), and 17(2))

It is further ordered, That a copy of this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this order be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-19139 Filed 12-30-71;8:48 am]

[S.O. 1042, Amdt. 5]

PART 1033—CAR SERVICE

Chicago and North Western Railway Co. Authorized To Operate Over Tracks of the Chicago, Rock Island, and Pacific Railroad Co.

At a session of the Interstate Commerce Commission, Railroad Service

Board, held in Washington, D.C., on the 13th day of December 1971.

Upon further consideration of Service Order No. 1042 (35 F.R. 10150, 15394, 19753; 36 F.R. 5979, 12107), and good cause appearing therefor:

It is ordered, That: § 1033.1042 *Service Order No. 1042* (Chicago and North Western Railway Co. authorized to operate over tracks of the Chicago, Rock Island, and Pacific Railroad Co.) be, and it is hereby, amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) *Expiration date*. This order shall expire at 11:59 p.m., March 31, 1972, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., December 31, 1971.

(Secs. 1, 12, 15 and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17 (2). Interprets or applies secs. 1 (10-17), 15 (4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10-17), 15(4), and 17 (2))

It is further ordered, That copies of this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD, *Secretary*.

[FR Doc.71-19140 Filed 12-30-71;8:48 am]

[S.O. 1051, Amdt. 3]

PART 1033—CAR SERVICE

Distribution of Privately-Owned Coal Cars

At a general session of the Interstate Commerce Commission, held in Washington, D.C., on the 10th day of December 1971.

Upon further consideration of Service Order No. 1051 (35 F.R. 16088, 36 F.R. 64, and 12304) and good cause appearing therefor:

It is ordered, That: § 1033.1051 *Service Order No. 1051* (Distribution of privately-owned coal cars) be, and it is hereby, amended by substituting the following paragraph (f) for paragraph (f) thereof:

(f) *Expiration date*. This order shall expire at 11:59 p.m., June 30, 1972, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., December 31, 1971.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies secs. 1(10-17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10-17), 15(4), and 17(2))

It is further ordered, That a copy of this amendment and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this order be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary*.

[FR Doc.71-19141 Filed 12-30-71;8:48 am]

[S.O. 1055, Amdt. 1]

PART 1033—CAR SERVICE

Burlington Northern Inc., and Chicago, Milwaukee, St. Paul, and Pacific Railroad Co. Authorized To Operate Over Trackage Abandoned by Sioux City Terminal Railway Co.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 13th day of December 1971.

Upon further consideration of Service Order No. 1055 (35 F.R. 18468), and good cause appearing therefor:

It is ordered, That: § 1033.1055 *Service Order No. 1055* (Burlington Northern Inc., and Chicago, Milwaukee, St. Paul, and Pacific Railroad Co. authorized to operate over trackage abandoned by Sioux City Terminal Railway Co.) be and it is hereby, amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) *Expiration date*. This order shall expire at 11:59 p.m., June 30, 1972, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., December 31, 1971.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies secs. 1 (10-17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10-17), 15(4), and 17(2))

It is further ordered, That a copy of this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this order be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD, *Secretary*.

[FR Doc.71-19142 Filed 12-30-71;8:48 am]

[S.O. 1057, Amdt. 4]

PART 1033—CAR SERVICE

Atchison, Topeka & Santa Fe Railway Co. Authorized To Operate Over Tracks of St. Louis-San Francisco Railway Co.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 13th day of December 1971.

Upon further consideration of Service Order No. 1057 (36 F.R. 1202, 8043, 13926, and 18955), and good cause appearing therefor:

It is ordered, That: § 1033.1057 *Service Order No. 1057* (The Atchison, Topeka & Santa Fe Railway Co. authorized to operate over tracks of the St. Louis-San Francisco Railway Co.) be, and it is hereby amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) *Expiration date*. This order shall expire at 11:59 p.m., June 30, 1972, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., December 31, 1971.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies secs. 1(10-17), 15(4), and 17(2), 40 Stat. 101, as amended 54 Stat. 911; 49 U.S.C. 1(10-17), 15(4), and 17(2))

It is further ordered, That copies of this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this amendment be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD, *Secretary*.

[FR Doc.71-19143 Filed 12-30-71;8:48 am]

[S.O. 1074, Amdt. 1]

PART 1033—CAR SERVICE

Union Pacific Railroad Co. Authorized To Operate Over Certain Trackage of Burlington Northern Inc.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 13th day of December 1971.

Upon further consideration of Service Order No. 1074 (36 F.R. 12225), and good cause appearing therefor:

It is ordered, That: § 1033.1074 *Service Order No. 1074* (Union Pacific Railroad Co. authorized to operate over certain trackage of Burlington Northern Inc.) be, and it is hereby, amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) *Expiration date*. This order shall expire at 11:59 p.m., January 31, 1972, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., December 31, 1971.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies secs. 1(10–17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), and 17(2))

It is further ordered, That copies of this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this order be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD, *Secretary*.

[FR Doc.71-19144 Filed 12-30-71;8:48 am]

[S.O. 1076, Amdt. 1]

PART 1033—CAR SERVICE

Chicago, Rock Island & Pacific Railroad Co. Authorized To Operate Over Certain Trackage of Union Pacific Railroad Co.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 13th day of December 1971.

Upon further consideration of Service Order No. 1076 (36 F.R. 12859) and good cause appearing therefor:

It is ordered, That: § 1033.1076 *Service Order No. 1076* (Chicago, Rock Island & Pacific Railroad Co. authorized to operate over certain trackage of Union Pacific Railroad Co.) be, and it is hereby, amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) *Expiration date*. This order shall expire at 11:59 p.m., March 31, 1972, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., December 31, 1971.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies secs. 1(10–17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), and 17(2))

It is further ordered, That a copy of this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this order be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD, *Secretary*.

[FR Doc.71-19145 Filed 12-30-71;8:48 am]

[S.O. 1086]

PART 1033—CAR SERVICE

Chicago, Rock Island, and Pacific Railroad Co. Authorized To Operate Over Tracks of the Peoria and Pekin Union Railway Co.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 15th day of December 1971.

It appearing, that because of severe damage the Illinois River bridge of the Toledo, Peoria & Western Railroad Co., located in the vicinity of Peoria, Ill., has been permanently removed from service and is being dismantled; that the Chicago, Rock Island and Pacific Railroad Co. formerly used the Illinois River bridge of the Toledo, Peoria, and Western Railroad Co. as part of its regular route between East Peoria, Ill., and Peoria, Ill.; that the Peoria and Pekin Union Railway Co. has agreed to permit the Chicago, Rock Island, and Pacific Railroad Co. to operate over its tracks between P&PU Junction, East Peoria, Tazewell County, Ill., and a point of connection near Main Street, Peoria, Peoria County, Ill., a distance of approximately 4.37 miles; that the Commission is of the opinion that operation by the Chicago, Rock Island, and Pacific Railroad Co. over these tracks of the Peoria and Pekin Union Railway Co. is necessary in the interest of the public and the commerce of the people; that notice and public procedure herein are impractical and contrary to the public interest; and that good cause exists for making this order effective upon less than 30 days' notice.

It is ordered, That: § 1033.1086 *Service Order No. 1086* (Chicago, Rock Island, and Pacific Railroad Co. authorized to operate over tracks of the Peoria and Pekin Union Railway Co.).

(a) The Chicago, Rock Island, and Pacific Railroad Co., be, and it is hereby, authorized to operate over tracks of the Peoria and Pekin Union Railway Co., between P&PU Junction, East Peoria, Tazewell County, Ill., and a point of connection in the vicinity of Main Street, Peoria, Peoria County, Ill.

(b) *Application*. The provisions of this order shall apply to intrastate, interstate, and foreign traffic.

(c) *Rates applicable*. Inasmuch as this operation by the Chicago, Rock Island, and Pacific Railroad Co. over tracks of the Peoria and Pekin Union Railway Co. is deemed to be due to carrier's disability, the rates applicable to traffic moved by the Chicago, Rock Island, and Pacific Railroad Co. over these tracks of the Peoria and Pekin Union Railway Co. shall be the rates which were applicable on the shipments at the time of shipment as originally routed.

(d) *Effective date*. This order shall become effective at 11:59 p.m., December 31, 1971.

(e) *Expiration date*. The provisions of this order shall expire at 11:59 p.m., June 30, 1972, unless otherwise modified, changed, or suspended by order of this Commission.

(Secs. 1, 12, 15 and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15 and 17(2). Interprets or applies sec. 1(10–17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), and 17(2))

It is further ordered, That copies of this order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this order shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD, *Secretary*.

[FR Doc.71-19146 Filed 12-30-71;8:48 am]

[S.O. 1087]

PART 1033—CAR SERVICE

Burlington Northern Inc. Authorized To Operate Over Tracks of the Peoria and Pekin Union Railway Co.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 15th day of December 1971.

It appearing, that because of severe damage the Illinois River bridge of the Toledo, Peoria & Western Railroad Co., located in the vicinity of Peoria, Ill., has been permanently removed from service and is being dismantled; that the Burlington Northern Inc. formerly used the Illinois River bridge of the Toledo, Peoria & Western Railroad Co., as part of its regular route between East Peoria, Ill., and Peoria, Ill.; that the Peoria and Pekin Union Railway Co., has agreed to permit the Burlington Northern Inc. to operate over its tracks between P. & P.U. Junction, East Peoria, Tazewell County, Ill., and Bridge Junction, Peoria, Peoria County, Ill., a distance of approximately 3 miles; that the Commission is of the opinion that operation by the Burlington Northern Inc. over these tracks of the Peoria and Pekin Union Railway Co. is necessary in the interest of the public and the commerce of the people; that notice and public procedure herein are impractical and contrary to the public interest; and that good cause exists for making this order effective upon less than 30 days' notice.

It is ordered, That: § 1033.1087 *Service Order No. 1087* (Burlington Northern Inc. authorized to operate over tracks of the Peoria and Pekin Union Railway Co.).

(a) The Burlington Northern Inc. be, and it is hereby authorized to operate over tracks of the Peoria and Pekin Union Railway Co. between P. & P.U. Junction, East Peoria, Tazewell County, Ill., and Bridge Junction, Peoria, Peoria County, Ill.

(b) *Application*. The provisions of this order shall apply to intrastate, interstate, and foreign traffic.

(c) *Rates applicable*. Inasmuch as this operation by the Burlington Northern Inc. over tracks of the Peoria and Pekin Union Railway Co. is deemed to be due to carrier's disability, the rates applicable to traffic moved by the Burlington Northern Inc. over these tracks of the Peoria and Pekin Union Railway Co. shall be the rates which were applicable on the shipments at the time of shipment as originally routed.

(d) *Effective date*. This order shall become effective at 11:59 p.m., December 31, 1971.

(e) *Expiration date*. The provisions of this order shall expire at 11:59 p.m., June 30, 1972, unless otherwise modified, changed, or suspended by order of this Commission.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17 (2). Interprets or applies secs. 1(10-17), 15 (4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10-17), 15(4), and 17(2))

It is further ordered, That copies of this order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD, *Secretary*.

[FR Doc.71-19147 Filed 12-30-71;8:48 am]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries, Fish and Wildlife Service, Department of the Interior

PART 35—WILDERNESS PRESERVATION AND MANAGEMENT

Pursuant to the authority vested in the Secretary of the Interior by the Wilderness Act (78 Stat. 890; 16 U.S.C. 1131-1136), and 43 U.S.C. 1201, and in accordance with the Administrative Procedures Act as amended (5 U.S.C. 553), a new Part 35, Wilderness Preservation and Management is added to Title 50, Code of Federal Regulations, as set forth below.

The purpose of Part 35 is to carry out provisions of the Wilderness Act and subsequent Acts establishing wilderness units within the National Wildlife Refuge System under jurisdiction of the Secretary of the Interior.

A notice of proposed rule making was published in the FEDERAL REGISTER, Vol. 36, No. 149—Tuesday, August 3, 1971, to afford the public an opportunity to review the proposed rules and participate in the rulemaking process. Comments and suggested modifications submitted to the Director, Bureau of Sport Fisheries and Wildlife, Washington, D.C. 20240 have been given consideration in development of the final rule making.

The new Part 35 will become effective 30 days after publication in the FEDERAL REGISTER.

Part 35 is added as follows:

Subpart A—General Rules

AUTHORITY: The provisions of this Part 35 issued under 78 Stat. 890; 16 U.S.C. 1131-1136; 43 U.S.C. 1201.

Subpart A—General Rules

§ 35.1 Definitions.

As used in the rules and regulations in this subchapter: "National Wildlife Refuge System" means all lands, waters, and interests therein administered by the Bureau of Sport Fisheries and Wildlife as national wildlife refuges, wildlife ranges, game ranges, wildlife management areas, waterfowl production areas, and areas for the protection and conservation of fish and wildlife which are threatened with extinction.

"National Wilderness Preservation System" means the units designated as wilderness by the Congress under the provisions of the Wilderness Act (supra).

"Wilderness Units" shall mean areas in the National Wildlife Refuge System that have been designated by Act of Congress as units of the National Wilderness Preservation System.

"Secretary" means the Secretary of the Interior.

"Director" means the Director of the Bureau of Sport Fisheries and Wildlife.

§ 35.2 Objectives.

(a) Units of the National Wildlife Refuge System have been established by divers legal means and are administered for a variety of wildlife program purposes. The establishment of each wilderness unit is within and supplemental to the purposes for which a specific unit of the National Wildlife Refuge System was established and is administered. Each wilderness shall be administered for such other purposes for which the national wildlife refuge was established and shall be also administered to preserve its wilderness character.

(b) Except as otherwise provided by law, wilderness areas shall be devoted to the public purposes of recreational, scenic, scientific, educational, conservation, and historical use and shall be administered in such a manner as will leave them unimpaired for future use and enjoyment as wilderness.

§ 35.3 General regulations.

Rules and regulations governing administration of the National Wildlife Refuge System will apply to wilderness units where said rules and regulations do not conflict with provisions of the Wilderness Act or Act of Congress which establishes the wilderness unit.

§ 35.4 Appropriations and personnel.

No appropriation shall be made available for the payment of expenses or salaries for the administration of a wilderness unit as a separate entity nor shall any appropriation be made available for additional personnel solely for the purpose of managing or administering areas because they are included within the National Wilderness Preservation System.

§ 35.5 Commercial enterprises, roads, motor vehicles, motorized equipment, motorboats, aircraft, mechanical transport, structures, and installations.

Except as specifically provided and subject to existing private rights, there shall be no commercial enterprise and no permanent road within a wilderness unit, and except as necessary to meet minimum requirements for the administration of the area (including measures required in emergencies involving the health and safety of persons within the area), there shall be no temporary road, no use of motor vehicles, motorized equipment or motorboats, no landing of aircraft, no other form of mechanized transport, and no structure or installation within any such area.

(a) The Director may authorize occupancy and use of a national wildlife refuge by officers, employees, agencies, and agents of Federal, State, and county governments to carry out the purposes of the Wilderness Act and the Act establishing the wilderness and will prescribe conditions under which motorized equipment, mechanical transport, aircraft, motorboats, installations, or structures may be used to meet the minimum requirements for authorized activities to protect and administer the wilderness.

The Director may also prescribe the conditions under which such equipment, transport, aircraft, installations, or structures may be used in emergencies involving the health and safety of persons, damage to property, violations of civil and criminal law, or other purposes.

(b) The Director may permit, subject to such restrictions as he deems desirable, the landing of aircraft and the use of motorized equipment at places within a wilderness where such uses were established prior to the date the wilderness was designated by Act of Congress as a unit of the National Wilderness Preservation System.

§ 35.6 **Public use.**

Public uses of a wilderness unit will be in accordance with the purposes for which the individual national wildlife refuge was established and is administered and laws and regulations governing public uses within the National Wildlife Refuge System.

(a) When public uses are authorized within a wilderness unit, the Refuge Manager may regulate such use. Regulating will include limiting the numbers of persons allowed in the wilderness at a given time, imposing restrictions on time, seasons, kinds and location of public uses, requiring a permit or reservation to visit the area, and similar actions.

(b) All persons entering a wilderness unit will be required to remove such materials as they carry in.

(c) Informational signs for the convenience of visitors will not be permitted in a wilderness unit; however, rustic directional signs for visitor safety may be installed in locations appropriate to a wilderness setting.

(d) Limited public use facilities and improvements may be provided as necessary for the protection of the refuge and wilderness and for public safety. Facilities and improvements will not be provided for the comfort and convenience of wilderness visitors.

(e) Public services and temporary structures generally offered by packers, outfitters, and guides for realizing the recreational or other wilderness purposes of a wilderness may be permitted. Temporary installations and structures which existed for these subsistence purposes under valid special use permit or easement when the wilderness was established may be continued if their use is necessary to administer the refuge for the purposes for which it was established and for wilderness purposes. The number, nature, and extent of such temporary structures and services will be controlled through regulations and special use permits issued by the Refuge Manager so as to provide maximum protection of wilderness resources and values.

(f) Hunting and fishing in a refuge wilderness will be in accordance with Federal and State regulations including special regulations for the specific wildlife refuge. Hunting or fishing which requires motorized equipment will not be permitted except as provided in § 35.5 (a) and (b).

§ 35.7 **Control of wildfires, insects, pest plants, and disease.**

To the extent necessary, the Director shall prescribe measures to control wildfires, insects, pest plants, and disease to prevent unacceptable loss of wilderness resources and values, loss of life, and damage to property.

§ 35.8 **Forest management.**

Forest management activities in a wilderness unit will be directed toward allowing natural ecological processes to operate freely. Commercial harvesting of timber shall not be permitted except where necessary to control attacks of insects or disease as prescribed in § 35.7.

§ 35.9 **Livestock grazing.**

(a) The grazing of livestock, where established prior to the date of legislation which designates a wilderness unit, may be permitted to continue subject to Part 29 of this subchapter and in accordance with special provisions which may be prescribed for individual units. Numbers of permitted livestock will not be more liberal than those utilizing a wilderness prior to establishment and may be more restrictive.

(b) The Director may permit, subject to such conditions as he deems necessary, the maintenance, reconstruction or relocation of only those livestock management improvements and structures which existed within a wilderness unit when it was incorporated into the National Wilderness Preservation System.

§ 35.10 **Controlled burning.**

Controlled burning will be permitted on wilderness units when such burning will contribute to the maintenance of preferred vegetation types in the unit; however, any fire in a wilderness area that poses a threat to resources or facilities outside the unit will be controlled and extinguished.

§ 35.11 **Scientific uses.**

Recognizing the scientific value of wilderness, research data gathering and similar scientific uses will be encouraged providing that wilderness values are not impaired. The person or agency involved in scientific investigation must be willing to accept reasonable limitations on activities and location and size of the area to be used for research purposes. A special use permit authorizing scientific uses shall be required.

§ 35.12 **Water rights.**

Nothing in the regulations in this part constitutes an expressed or implied claim or denial on the part of the Department of the Interior as to exemption from State water laws.

§ 35.13 **Access to State and private lands.**

Rights of States or persons, and their successors in interest, whose land is surrounded by a wilderness unit, will be recognized to assure adequate access to that land. Adequate access is defined as the combination of modes and routes of travel which will best preserve the wilderness character of the landscape. Mode of travel designated shall be reasonable and consistent with accepted, conventional, contemporary modes of travel in said vicinity. Use will be consistent with reasonable purposes for which such land mits as are necessary for access, designating the means and route of travel for ingress and egress so as to preserve the wilderness character of the area.

§ 35.14 **Special regulations.**

(a) Special regulations will be issued by the Director for individual wilderness units within the National Wildlife Refuge System as established by Public Law. These special regulations will supplement the provisions of this part.

(b) Special regulations may contain administrative and public uses as recognized in the:

(1) Legislative Record of the establishing Act.

(2) Committee Reports of the Congress.

(3) Departmental and Executive Reports to the Congress.

(4) Other provisions.

(c) Such special regulations shall be published in Subpart B of this part after a wilderness has been established by Public Law and shall become effective upon publication in the FEDERAL REGISTER (12-31-71).

Subpart B—Special Regulations for Specific National Wildlife Refuge Wilderness [Reserved]

J. P. LINDUSKA,
Acting Director, Bureau of Sport Fisheries and Wildlife.

DECEMBER 21, 1971.

[FR Doc.71-19113 Filed 12-30-71;8:45 am]

PART 80—RESTORATION OF GAME BIRDS, FISH, AND MAMMALS

Comprehensive Fish and Wildlife Resource Management Plan; Correction

In F.R. Doc. 71-10094, 36 F.R. 13216, July 16, 1971, § 80.42 as added should be designated § 80.43.

M. A. MARSTON,
Acting Director, Bureau of Sport Fisheries and Wildlife.

DECEMBER 23, 1971.

[FR Doc.71-19118 Filed 12-30-71;8:46 am]

Title 6—ECONOMIC STABILIZATION

Chapter II—Pay Board

PART 201—STABILIZATION OF WAGES AND SALARIES

Reaffirming the General Wage and Salary Standard, Providing for Certain Criteria for Exceptions and Specifying Certain Violations

The purpose of these amendments is to set forth for public information and guidance certain modifications and additions to the regulations relating to the stabilization of wages and salaries. These amendments reaffirm the general wage and salary standard, presently 5.5 percent, for new contracts and pay practices, presently incorporated in § 201.10; incorporate under § 201.11 certain criteria or wage and salary increases under is held. The Director will issue such per- new contracts and pay practices in excess of the standard; and specify certain violations of the regulations in a new § 201.17. Additional criteria may be adopted hereafter by the Board. The amendments also add new definitions to § 201.3. These amendments incorporate the substance of item (1) of Appendix C—Definitional Decisions Adopted by the Pay Board, relating to Appropriate Employee Unit. This item is therefore deleted from the appendices.

Pursuant to the authority vested in the Pay Board by the Economic Stabilization Act of 1970, as amended (Public Law 91-379, 84 Stat. 799; Public Law 91-588, 84 Stat. 1468; Public Law 92-8, 85 Stat. 13; Public Law 92-15, 85 Stat. 38; Public Law 92-210, 85 Stat. 743), Executive Order No. 11627 (36 F.R. 20139, Oct. 16, 1971, as amended), and Cost of Living Council Order No. 3 (36 F.R. 20202, Oct. 16, 1971), the Pay Board hereby adopts these following amendments to the regulations.

Because of the need for immediate guidance from the Pay Board with respect to the provisions contained in these amendments, it is hereby found impracticable to issue such amendments with notice and public procedure thereon under 5 U.S.C., section 553(b), or subject to the effective date limitation of 5 U.S.C., section 553(d).

Effective date. These amendments shall be effective on and after November 14, 1971.

GEORGE H. BOLDT,
Chairman of the Pay Board.

PARAGRAPH 1. Section 201.3 of the Stabilization of Wages and Salaries Regulations (relating to definitions) is amended by adding the following new definitions to be inserted alphabetically:

§ 201.3 Definitions.

For purposes of this part, unless otherwise restricted herein—

"Act" means the Economic Stabilization Act of 1970, as amended.

"Appropriate employee unit" includes a group composed of all employees in a bargaining unit or in a recognized employee category. Such bargaining unit or employee category may exist in a plant or other establishment or in a department thereof, or in a company, or in an industry and shall be determined so as to preserve, as nearly as possible, contractual or historical wage and salary relationships.

"Employment contract" includes, but is not limited to, collective bargaining agreements and individual contracts of employment.

* * * * *

"Person" includes any individual, estate, trust, partnership, association, company, labor organization, State or local governmental unit or instrumentality of such governmental unit, but does not include a foreign corporation in a foreign country, a foreign government, an instrumentality of a foreign government, or an organization that includes within its membership foreign governments or instrumentalities thereof.

* * * * *

PAR. 2. Section 201.10 of the Stabilization of Wages and Salaries Regulations (relating to the general wage and salary standard) is amended to read as follows:

§ 201.10 General wage and salary standard.

Effective on and after November 14, 1971, the general wage and salary standard (hereinafter referred to as the "standard") is established as 5.5 percent. The standard shall apply to any wage and salary increase payable with respect to an appropriate employee unit pursuant to an employment contract entered into or modified on or after November 14, 1971, or to a pay practice established, modified or administered with discretion on or after November 14, 1971. Except as otherwise provided in the Regulations under this title or by decision of the Pay Board, the standard shall be used to compute the maximum permissible annual aggregate wage and salary increase. The appropriateness of the standard will be reviewed periodically by the Pay Board to insure that it is generally fair and equitable, that it calls for generally comparable sacrifice by business and labor as well as other segments of the economy and that it takes into account such factors as changes in productivity and the cost of living as well as other factors consistent with the purposes of the Act.

PAR. 3. Section 201.11 of the Stabilization of Wages and Salaries Regulations (relating to review of new contracts and pay practices in relation to the wage and salary standard) is amended to read as follows:

§ 201.11 Criteria for exceptions.

(a) *In general*. Subject to the provisions in paragraphs (c) (1) and (2) of this section, on and after November 14, 1971, wage and salary increases in excess of the standard shall be permitted pursuant to the following criteria for exceptions—

(1) *Tandem relationships*. (i) If a party at interest demonstrates to the Pay Board (or its delegate) that—

(*a*) the wage and salary increase in the employment contract or pay practice to which a tandem relationship is claimed is in excess of the standard;

(*b*) such contract or pay practice became effective not more than 6 months prior to the proposed effective date of the wage and salary increase in the tandem-claiming unit;

(*c*) the amount and nature of the wage and salary increases in the tandem-claiming unit have been generally equal in value to and the timing has been directly related to those of another unit of employees of the same employer or of other employers within a commonly recognized industry or local labor market area; and

(*d*) the tandem relationship has been established as a past pactice for 5 consecutive years or in the immediately preceding two consecutive collective bargaining agreements.

(ii) The maximum permissible annual aggregate wage and salary increase pursuant to this subparagraph shall not exceed 7 percent.

(iii) The provisions of this subparagraph shall be subject to periodic review by the Board.

(2) *Essential employees*. (i) If an employer demonstrates to the Pay Board (or its delegate) that—

(*a*) wage and salary increases exceeding the standard are necessary to attract or retain employees essential to the efficient operation of the employer;

(*b*) he has experienced a significant proportion of vacancies in an appropriate employee unit, despite intensive recruiting activity over a period of at least 3 months;

(*c*) there has been no significant deterioration or reduction in other conditions of employment; and

(*d*) there is a reasonable expectation that a wage and salary increase will be effective in recruiting or maintaining a supply of qualified employees.

(ii) The maximum permissible annual aggregate wage and salary increase pursuant to this subparagraph shall not exceed 7 percent.

(3) *Catch-up increases*. (i) If the aggregate percentage of wage and salary increases in the employment contract expiring prior to the new contract for which an exception is claimed is less than the sum of a percentage increase of 7 percent per year for each year of the prior contract, the difference between such aggregate and such sum shall be added to 5.5 percent to determine the maximum permissible wage and salary increase for the appropriate 12-month period.

(ii) If, in the absence of an employment contract, the aggregate percentage of wage and salary increases in the preceding 3 years is less than the sum of a percentage increase of 7 percent per year for each of the 3 years, the difference between such aggregate and such sum shall be added to 5.5 percent to determine the maximum permissible wage and salary increase for the appropriate 12-month period.

(iii) The exceptions provided in subdivisions (i) and (ii) of this subparagraph shall expire March 31, 1972. Such exceptions may be claimed only in regard to employment contracts entered into or pay practices established prior to April 1, 1972.

(iv) The maximum permissible annual aggregate increase under subdivisions (i) and (ii) of this subparagraph shall not exceed 7 percent.

(4) *Cost of living allowance calculation*. (i) If a wage and salary increase in a new contract or pay practice is composed of two parts, wages and salaries other than cost of living adjustments and cost of living adjustments pursuant to and justified by a generally accepted escalator formula, the wage and salary

part shall be calculated by the sum of the percentage increases method, and the cost of living part shall be calculated by multiplying each cost of living adjustment by a fraction, the numerator of which shall be the number of months within the appropriate 12-month period such cost of living adjustment is in effect, and the denominator of which shall be 12. These two parts shall be added together to determine the maximum permissible annual aggregate wage and salary increase.

(ii) For purposes of this exception, appropriate 12-month period means a 12-month period beginning on the date that the wage and salary increase became effective.

(iii) The maximum permissible annual aggregate increase, calculated pursuant to the method in subdivision (i) of this subparagraph shall not exceed the general wage and salary standard.

(b) *Overall limitations on exceptions.* Except as provided in paragraph (a)(4) of this section, the maximum permissible annual aggregate wage and salary increase with respect to an appropriate employee unit, whether any or all of the above exceptions are applicable, shall not exceed 7 percent.

(c) *Procedures for exceptions.* Exceptions pursuant to subparagraphs (1) and (2) of paragraph (a) of this section shall require prior approval by the Pay Board (or its delegate). Exceptions pursuant to subparagraphs (3) and (4) of paragraph (a) of this section shall be self-executing for Category II and III wage and salary increases, but reports of all such wage and salary increases shall be made to the Pay Board or its delegate. Category I wage and salary increases, including those pursuant to subparagraphs (3) and (4) of paragraph (a) of this section, shall require prior approval by the Pay Board.

(d) *Additional criteria.* When the Board reviews new contracts and pay practices, and in its development of additional criteria for exceptions, it shall consider such factors as on-going collective bargaining and pay practices, the equitable position of the employees involved, and such other factors as are necessary to foster economic growth and to prevent gross inequities, hardships, serious market disruptions, domestic shortages of raw materials, localized shortages of labor, and windfall profits.

PAR. 4. Subpart B of Part 201, relating to Pay Stabilization, is amended by adding at the end thereof (but before the appendices) the following new section:

§ 201.17 Violations.

It shall be a violation of Pay Board Regulations, subject to the sanctions, fines, penalties and other relief provided in the Act, for any person to pay or to receive any portion of a wage and salary increase not authorized by such regulations or Pay Board decision. It shall also be a violation of such regulations, subject to the sanctions, fines, penalties and other relief provided in the Act, for any person to induce, solicit, encourage, force, or require or attempt to induce, solicit, encourage, force or require, any other person to pay or to receive any portion of a wage and salary increase not authorized by such regulations or decisions: *Provided, however,* That it shall not be a violation to bargain for, request, contract for or agree to (as contrasted with paying or receiving), a wage and salary increase in excess of the maximum permissible annual aggregate wage and salary increase.

PAR. 5. Appendix C of Part 201 (relating to Definitional Decisions Adopted by the Pay Board) is amended by deleting therefrom item (1), "Appropriate employee unit".

[FR Doc.71-19172 Filed 12-30-71;10:19 am]

PART 202—PRENOTIFICATION AND REPORTING

Pay Adjustments Subject To Prenotification and Reporting Requirements

The purpose of these amendments is to establish a new part in the Pay Board Regulations to provide guidance to the public with respect to the requirements for prenotification and reporting contained in the Cost of Living Council Regulations.

Pursuant to the authority vested in the Pay Board by the Economic Stabilization Act of 1970, as amended (Public Law 91-379, 84 Stat. 799; Public Law 91-558, 84 Stat. 1468; Public Law 92-8, 85 Stat. 13; Public Law 92-15, 85 Stat. 38; Public Law 92-210, 85 Stat. 743), Executive Order No. 11627 (36 F.R. 20139, Oct. 16, 1971, as amended), and Cost of Living Council Order No. 3 (36 F.R. 20202, Oct. 16, 1971), the Pay Board hereby adopts the following regulations in implementation of the President's economic program. A new Part 202—Prenotification and Reporting is added to Title 6—Economic Stabilization of the Code of Federal Regulations.

Because of the need for immediate guidance from the Pay Board with respect to the provisions contained in this new part, it is hereby found impracticable to issue such part with notice and public procedure thereon under 5 U.S.C. section 553(b), or subject to the effective date limitation of 5 U.S.C., section 553(d).

Effective date. This part shall be effective on and after November 14, 1971.

GEORGE H. BOLDT,
Chairman of the Pay Board.

AUTHORITY: The provisions of this Part 202 issued under Economic Stabilization Act of 1970, as amended (Public Law 91-379, 84 Stat. 799; Public Law 91-558, 84 Stat. 1468; Public Law 92-8, 85 Stat. 13; Public Law 92-15, 85 Stat. 38; Public Law 92-210, 85 Stat. 743), Executive Order No. 11627 (36 F.R. 20139, October 16, 1971), as amended, and Cost of Living Council Order No. 3 (36 F.R. 20202, October 16, 1971).

Subpart A—Introduction

§ 202.1 Purpose.

The purpose of the regulations in this part is to establish rules for prenotification and reporting with respect to wage and salary payments made (or proposed to be made) to employees on or after November 14, 1971. These rules are designed to provide an orderly system for compliance with the objectives of the Pay Board and the Cost of Living Council in stabilizing wages and salaries. All persons are required by law to comply with the provisions of the Economic Stabilization Act of 1970, as amended, and all Executive orders, regulations (including this regulation), circulars, and orders issued thereunder, and all persons are expected to comply voluntarily with such law, orders, and regulations. The interpretation of the regulations in this part is to be consistent with the policy of the Act.

§ 202.2 Classification and reclassification.

(a) For purposes of the regulations in this chapter—

(1) *Category I.* A category I pay adjustment means a pay adjustment which applies to or affects 5,000 or more employees.

(2) *Category II.* A category II pay adjustment means a pay adjustment which applies to or affects from 1,000 to 5,000 employees.

(3) *Category III.* A category III pay adjustment means a pay adjustment which applies to or affects less than 1,000 employees.

(b) *Reclassification of pay adjustments.* For provisions with respect to reclassifications of pay adjustments, see § 101.27 of this title.

§ 202.3 Definitions.

For purposes of this part, unless otherwise restricted herein,—

"Act" means the Economic Stabilization Act of 1970, as amended.

"Pay adjustment" means a change in wages and salaries as defined in § 201.3 of this chapter.

"Prenotification" means notice submitted to the Pay Board, relating to a proposed pay adjustment, on forms and pursuant to instructions prescribed by the Board.

"Reporting" means notice to the Pay Board, relating to a pay adjustment put into effect, on forms and pursuant to instructions prescribed by the Board.

Subpart B—Prenotification

§ 202.10 Category I pay adjustments; prenotification requirements.

Subject to the regulations in Part 201 of this chapter, on or after November 14, 1971, a category I pay adjustment shall not be put into effect unless prenotification of such proposed pay adjustment has been submitted to the Pay Board and the Board has approved such proposed pay adjustment. After the Pay Board has approved such proposed pay adjustment and it has been put into effect, such pay adjustment shall be subject to monitoring and spot checks.

§ 202.11 Prenotification exclusions.

Pay adjustments classified as category II or category III pay adjustments pursuant to the regulations in this chapter shall not be required to prenotify in accordance with the provisions of § 202.10. See, however, the provisions in Subparts C and D of this part, respectively, for rules applicable to categories II and III.

Subpart C—Reporting

§ 202.20 Category II pay adjustments; reporting requirements.

Subject to the regulations in Part 201 of this chapter, on or after November 14, 1971, category II pay adjustments may be put into effect without prior approval by the Pay Board. However, category II pay adjustments are required to be reported to the Pay Board when they are put into effect. Category II pay adjustments shall be subject to monitoring and spot checks after being put into effect.

§ 202.21 Reporting exclusions.

Pay adjustments classified as category I or category III pay adjustments pursuant to the regulations in this chapter shall not be required to report in accordance with the provisions of § 202.20. See, however, the provisions in Subparts B and D of this part, respectively, for rules applicable to categories I and III.

Subpart D—Monitoring

§ 202.30 Category III pay adjustments.

Subject to the regulations in Part 201 of this chapter, on or after November 14, 1971, category III pay adjustments may be put into effect without prior approval of the Pay Board. Moreover, category III pay adjustments are not required to be prenotified or reported to the Pay Board when they are put into effect. However, such pay adjustments shall be subject to monitoring and spot checks after being put into effect.

[FR Doc.71-19173 Filed 12-30-71;10:19 am]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 914]

ORANGES GROWN IN THE INTERIOR DISTRICT IN FLORIDA

Proposed Expenses and Rate of Assessment, Establishment of Reserve and Carryover of Unexpended Funds

Consideration is being given to the following proposals submitted by the Interior Orange Marketing Committee, established under the marketing agreement and Order No. 914 (7 CFR Part 914), regulating the handling of oranges grown in the Interior District in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), as the agency to administer the terms and provisions thereof:

(a) That the expenses that are reasonable and likely to be incurred by the Interior Orange Marketing Committee, during the fiscal period August 1, 1971, through July 31, 1972, will amount to $28,000.

(b) That the rate of assessment for such period, payable by each handler in accordance with § 914.31, be fixed at $0.004 per standard packed box.

(c) That the Secretary approve the establishment of a reserve, which reserve shall not exceed approximately one-half of one fiscal period's expenses, as appropriate for the maintenance and functioning of the said committee under the aforesaid marketing agreement and order.

(d) That part of the unexpended funds in excess of expenses incurred during the fiscal period ended July 31, 1971, in the amount of $5,000, be carried over as a reserve in accordance with § 914.32.

Terms used in the marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said marketing agreement and order.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals, shall file the same, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the 10th day after the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: December 28, 1971.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.71-19137 Filed 12-30-71;8:47 am]

[7 CFR Part 987]

DOMESTIC DATES PRODUCED OR PACKED IN RIVERSIDE COUNTY, CALIF.

Export of Free Dates for Restricted Credit

Notice is hereby given of a proposal to amend § 987.155(a)(3) of Subpart—Administrative Rules and Regulations (7 CFR 987.100–987.174). The subpart is operative pursuant to the marketing agreement, as amended, and Order No. 987, as amended (7 CFR Part 987; 36 F.R. 15053), regulating the handling of domestic dates produced or packed in Riverside County, Calif. The amended marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The proposal was unanimously recommended by the California Date Administrative Committee.

Section 987.155(a)(3) currently provides, among other things, for free dates, certified for handling as dates packed for handling and exported to an approved country, to be reclassified by the committee as restricted dates, and the exportation credited to the exporting handler's restricted obligation. The proposal is to (1) permit dates certified for further processing and exported to an approved country also to be reclassified as restricted dates and the exportation credited to the exporting handler's restricted obligation, and (2) revise the documentation requirements prescribed pursuant to subparagraph (3) so they apply to either category of dates and permit prompter crediting of such exports to the exporting handler's restricted obligation than is currently permitted by that subparagraph.

Consideration will be given to any written data, views, or arguments pertaining to the proposal which are received by the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than 7 days after publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice should be in quadruplicate and will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposal is as follows:

Amend § 987.155(a) of Subpart—Administrative Rules and Regulations (7 CFR 987.100–987.174) by revising subparagraph (3) thereof to read as follows:

§ 987.155 Disposition of restricted and other marketable dates by export or diversion.

(a) *By export.* * * *

(3) Any handler may export to an approved country free dates certified for handling pursuant to either paragraph (a) or (b) of § 987.41, and the quantity of dates so exported shall be credited as disposition of restricted dates and his restricted and assessment obligations adjusted accordingly. The credit shall be given to the handler upon the committee receiving notification from the inspection service that such dates are being exported to an approved country. Such credit shall be contingent upon the committee receiving in due course an onboard export bill of lading or other documentary evidence of export satisfactory to the committee. The provisions of this subparagraph or of subparagraph (1) of this paragraph shall not be construed as prohibiting the dates packed in the prescribed cartons or containers from being placed in larger shipping containers.

* * * * *

Dated: December 27, 1971.

PAUL A. NICHOLSON,
Acting Director, Fruit and Vegetable Division.

[FR Doc.71-19132 Filed 12-30-71;8:46 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[29 CFR Part 1926]

SAFETY AND HEALTH REGULATIONS FOR CONSTRUCTION

Cranes and Derricks; Use of Boom Angle Indicators, Load Indicators, Weight-Moment Indicators, Overload Protective Devices

On September 28, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER at page 19083 of several proposed occupational safety and health standards under section 6(b) of the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1593) and section 107 of the Construction Safety Act (40 U.S.C. 333). The proposed standards included amendments to § 1926.550(a)(3) (formerly § 1518.550(a)(3)) of Title 29, Code of Federal Regulations, concerning the use on cranes and derricks of boom angle indicators, load indicators, weight-moment indicators, and overload protection devices. Interested persons submitted comments in response to the notice in the form of written presentations and orally at a hearing held on November 10 and 11, 1971.

Subsequently, the Advisory Committee on Construction Safety and Health was consulted, as provided in 29 CFR 1911.18(b). On December 15, 1971, the Advisory Committee recommended, among other things, that the record be reopened in order to receive additional comments of interested persons on the issue of the feasibility of the proposed standards for cranes and derricks, particularly with regard to the field experience and field testing of boom angle indicators, load indicators, weight-moment indicators, and overload protective devices in construction work.

This recommendation of the Advisory Committee is accepted, and notice is hereby given that interested persons may submit written data, views, and arguments on the above-described subject raised by the Advisory Committee not later than 15 days following publication of this document in the FEDERAL REGISTER.

Signed at Washington, D.C., this 23d day of December 1971.

G. C. GUENTHER,
Assistant Secretary of Labor.

[FR Doc.71-19076 Filed 12-30-71;8:45 am]

FEDERAL POWER COMMISSION

[18 CFR Part 141]

[Docket No. R-432]

STEAM-ELECTRIC PLANTS

Report of Monthly Cost and Quality of Fuels

DECEMBER 29, 1971.

On November 26, 1971, the Commission issued its Notice of Proposed Rulemaking in Docket No. R-432. The Commission proposed to amend Part 141 of CFR by adding a new section 141.61 prescribing collection of monthly fuel costs and quality determinants of fuel received at steam generating plants of electric utilities through proposed FPC Form No. 423.

It appears that it would be in the public interest for the Staff of the Federal Power Commission to call a conference for the purpose of allowing all persons who have filed comments concerning Docket No. R-432 to discuss the issues raised in their comments. Members of the public not commenting formally on Docket No. R-432 may attend the meeting, but under the rules of the Commission are not allowed to participate.

The Conference will be held at 10 a.m., January 17, 1972, in Conference Room 2043, at 441 G Street NW., Washington, DC.

JAMES R. TOURTELLOTTE,
Commission Staff Counsel.

[FR Doc.71-19171 Filed 12-30-71;9:27 am]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 240]

[Releases Nos. 34-9432, 35-17406, IC-6908]

SHAREHOLDER PROPOSALS

Proposed Proxy Rules

Notice is hereby given that the Securities and Exchange Commission has under consideration certain proposed amendments to Rules 14a-5 (17 CFR 240.14a-5) and 14a-8 (17 CFR 240.14a-8) of the Commission's proxy rules adopted under section 14(a) of the Securities Exchange Act of 1934. These rules are also applicable to the solicitation of proxies under the Public Utility Holding Company Act of 1935 and the Investment Company Act of 1940. Based on its experience in administering and its continuous review of the proxy rules, particularly in recent proxy seasons, the Commission is inviting comments on the following described amendments to the rules. In order to eliminate confusion, the Commission hereby draws attention to the fact that the amendments are proposals and are not effective until adopted.

Rule 14a-8 contains a provision that if the management opposes a security holder's proposals it shall, if requested by the security holder, include in its proxy statement a statement of the security holder in not more than 100 words in support of the proposal. Experience has shown that this limitation should be liberalized to enable a security holder to make a fuller presentation of the reasons for submitting the proposal to security holders. Accordingly, it is proposed to amend this provision to each proposal included in the management's proxy material.

Sometimes a security holder in submitting a proposal to the management of the issuer will include a preamble or series of "whereases" which are in effect arguments in support of the proposal. These arguments are in addition to the permitted 100-word statement and appear to be an attempt to circumvent the 100-word limit. In view of the proposed increase in supporting statements from 100 words to 200 words, it is proposed to add a note to the rule to make clear that any statements in the text of the proposed resolution which are in effect arguments in support of the proposal are to be considered a part of the supporting statement and subject to the 200-word limitation.

The Commission has also noted that security holders have submitted a large number of identical proposals to a number of companies. Rule 14a-8(a) provides that in submitting a proposal the security holder must state his intention to present the proposals for action at the meeting. The Commission hereby points out that such statement must be made in good faith. Where a security holder submits proposals and then does not appear at the meetings of the companies involved, all security holders have been put to considerable expense to no purpose. The Commission regards this practice as an abuse of the rule and intends to monitor the practice in the future. If it continues, the Commission will consider whether further amendment of the rule is necessary. It should be noted that under paragraph (c)(3) of the rule a security holder who submits proposals to a company and then, without good cause, does not appear at the meeting in person or by proxy to present them is disqualified from submitting proposals to the company the following year.

Paragraph (a) of the rule provides that a security holder must submit his proposal not less than 60 days prior to a date corresponding to the first date on which the management's proxy material was released to security holders the previous year. It is proposed to amend this provision to require that the proposal must be received by the management at the issuer's principal executive office not less than 60 days in advance of a date corresponding to the date set forth on the management's proxy statement for the previous year's annual meeting. The proposed amendment will specify more precisely the date by which the security holder's proposal must be received by the management and the place at which it must be received. It will also avoid any confusion that might arise when a security holder's proposal is mailed to the management prior to the commencement of the 60-day period but is not received by the management until after the commencement of the period. In order to avoid disputes in this area, proponents of shareholder proposals are encouraged to use registered mail in transmitting their proposals to management.

Paragraph (c)(2) of the rule provides that a security holder's proposal may be omitted from the management's proxy material "if it clearly appears that the proposal is submitted by the security holder primarily for the purpose of enforcing a personal claim or redressing a personal grievance against the issuer or its management, or primarily for the purpose of promoting general economic, political, racial, religious, social, or similar causes." It is proposed to amend this provision in order to replace the subjective terms of the provision with objective standards and thereby create greater certainty in the application of the rule. Accordingly, the words "clearly appears," "primarily," "purpose," and "promoting" have been deleted and the standards "not significantly related to the business of the issuer" or "not within the control of the issuer" have been proposed. In addition, the new proposed provision would apply to all proposals and would not be limited to those dealing with general economic, political, racial, religious, social, or similar causes.

The rule also provides that whenever the management asserts that any security holder's proposals may properly be omitted from its proxy statement and form of proxy, it shall file with the Commission not later than 20 days prior to the filing of its preliminary proxy material a copy of the proposal and security holder's statement in support thereof, if any, together with a statement of the reasons why the management deems omission of the proposal to be proper. If such reasons are based on matters of law they must be supported by an opinion of counsel. It is proposed to amend this paragraph to provide that the foregoing material must be furnished to the Commission 30 days prior to the filing of the management's preliminary proxy material. The reason for this amendment is that experience has shown that the present 20-day period does not allow sufficient time for the Commission's staff to consider the proposal and to communicate with the management of the issuer in regard thereto. The amendment would tend to relieve undue pressure of work on both the Commission's staff and company's personnel in the later stages of processing proxy material and would provide more time for the security holder to pursue, if he so elects, any remedies he may have available.

In connection with the proposed amendment of paragraph (a), with respect to the time within which a security holder must submit a proposal for inclusion in the management's proxy material, it is proposed to amend Rule 14a-5 to require that the first page of the proxy statement be dated and include the address of the principal executive offices of the issuer. This will furnish a definite date which the security holder may use in computing the date prior to which his proposal must be received by the management and will give the address where the proposal must be received.

The Commission will continue to monitor the operation of the proxy rules to determine whether further amendments are necessary or appropriate in the public interest or for the protection of investors.

Part 240 of Chapter II of Title 17 of the Code of Federal Regulations would be amended as follows:

I. Section 240.14a-8 of this chapter would be amended as follows:

§ 240.14a-8 Proposals of security holders.

(a) If any security holder entitled to vote at a meeting of security holders of the issuer shall submit to the management of the issuer, within the time hereinafter specified, a proposal which is accompanied by notice of his intention to present the proposal for action at the meeting, the management shall set forth the proposal in its proxy statement and shall identify it in its form of proxy and provide means by which security holders can make the specification provided for by § 240.14a-4(b) of this chapter. The management of the issuer shall not be required by this section to include the proposal in its proxy statement or form of proxy for an annual meeting unless the proposal is received by the management at the issuer's principal executive offices not less than 60 days in advance of a date corresponding to the date set forth on the management's proxy statement released to security holders in connection with the last annual meeting of security holders, except that if the date of the annual meeting has been changed as a result of a change in the fiscal year, a proposal shall be received by the management a reasonable time before the solicitation is made. A proposal to be presented at any other meeting shall be received by the management of the issuer a reasonable time before the solicitation is made. This section does not apply, however, to elections to office or to counter proposals to matters to be submitted by the management.

(b) If the management opposes any proposal received from a security holder, it shall also, at the request of the security holder, include in its proxy statement a statement of the security holder, in not more than 200 words, in support of the proposal, which statement shall not include the name and address of the security holder. The proxy statement shall also include either the name and address of the security holder or a statement that such information will be furnished by the issuer or by the Commission to any person, orally or in writing as requested, promptly upon the receipt of any oral or written request therefor. If the name and address of the security holder is omitted from the proxy statement, it shall be furnished to the Commission at the time of filing the management's preliminary proxy material pursuant to section 240.14a-6(a) of this chapter. The statement and request of the security holder shall be furnished to the management at the time that the proposal is furnished. Neither the management nor the issuer shall be responsible for such statement.

NOTE. Any statements in the text of a proposal, such as a preamble or a series of "whereas" clauses, which are, in effect, arguments in support of the proposal, shall be considered part of the supporting statement and subject to the 200-word limitation thereon.

(c) Notwithstanding the foregoing, the management may omit a proposal and any statement in support thereof from its proxy statement and form of proxy under any of the following circumstances:

(1) If the proposal as submitted is, under the laws of the issuer's domicile, not a proper subject for action by security holders; or

(2) If the proposal:

(i) As submitted relates to the enforcement of a personal claim or the redress of a personal grievance against the issuer, its management, or any other person; or

(ii) Consists of a recommendation, request, or mandate that action be taken with respect to any matter, including a general economic, political, racial, religious, social, or similar cause, that is not significantly related to the business of the issuer or is not within the control of the issuer.

* * * * *

(d) Whenever the management asserts that a proposal and any statement in support thereof received from a security holder may properly be omitted from its proxy statement and form of proxy, it shall file with the Commission, not later than 30 days prior to the date the preliminary copies of the proxy statement and form of proxy are filed pursuant to § 240.14a-6(a) of this chapter, or such shorter period prior to such date as the Commission may permit, a copy of the proposal and any statement in support thereof as received from the security holder, together with a statement of the reasons why the management deems such omission to be proper in the particular case, and where such reasons are based on matters of law, a supporting opinion of counsel. The management shall at the same time, if it has not already done so, notify the security holder submitting the proposal of its intention to omit the proposal from its proxy statement and form of proxy and shall forward to him a copy of the statement of reasons why the management deems the omission of the proposal to be proper and a copy of such supporting opinion of counsel.

II. Section 240.14a-5 of this chapter would be amended as follows:

§ 240.14a-5 Presentation of information in proxy statement.

* * * * *

(e) All proxy statements shall disclose on the first page thereof the complete mailing address, including zip code, of the principal executive offices of the issuer and the approximate date on which the proxy statement and form of proxy are first sent or given to security holders.

All interested persons are invited to submit their views and comments on the proposed amendments, in writing, to Charles J. Sheppe, Chief, Branch of Regulations and Legislative Matters, Division of Corporation Finance, Securities and Exchange Commission, Washington, D.C. 20549, on or before February 3, 1972. All such communications will be available for public inspection.

(Sec. 14(a), 48 Stat. 895; sec. 5, 78 Stat. 569, 570; sec. 3, 82 Stat. 455; secs. 3-5, 84 Stat. 1497; 15 U.S.C. 78n(a))

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary*.

DECEMBER 22, 1971.

[FR Doc.71-19125 Filed 12-30-71;8:46 am]

[17 CFR 274]

[Release Nos. IC-6853, 33-5214, 34-9403]

REGISTERED INVESTMENT COMPANIES AND THEIR PORTFOLIO COMPANIES

Proposed Disclosure of Involvement

Notice is hereby given that the Securities and Exchange Commission has under consideration proposed amendments to Forms N-8B-1, N-8B-3, N-8B-4, N-5, and N-1Q (17 CFR 274.11, 274.13, 274.14, 274.5, 274.106) under the Investment Company Act of 1940 (Act). Form N-8B-1 is prescribed for registration statements filed pursuant to section 8 of the Act (15 U.S.C. 80a-8) by management investment companies, except those which issue periodic payment plan certificates. This form is also used by insurance company separate accounts which are organized as management investment companies and which issue periodic payment plan certificates.

Form N-8B-3 is used for registration statements filed pursuant to section 8 of the Act by unincorporated management investment companies currently issuing periodic payment plan certificates.

Form N-8B-4 is used for registration statements filed pursuant to section 8 of the Act by all face-amount certificate companies.

Form N-5 is used for registration of small business investment companies pursuant to section 8 of the Act and to sections 6 and 7 of the Securities Act of 1933 (15 U.S.C. 77f, 77g) (Securities Act). The initial registration statement of the company on Form N-5 is deemed to have been filed under both acts unless the company indicates that filing is made for the purpose of only one of such acts. The items under Part I of Form N-5 prescribe the information required in that registration statement under the Act. The items under Part II prescribe the information required in the prospectus for the securities registered under the Securities Act.

Form N-1Q is prescribed for quarterly reports of all registered management investment companies filed pursuant to section 30 of the Act (15 U.S.C. 80a-29) and section 13 or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m, 78o(d)).

The proposed amendments to the foregoing forms are intended to require investment companies registered under the Act to disclose with greater specificity their policies on involvement in the affairs of their portfolio companies. These proposals would implement certain of the Commission's recommendations for improved disclosure by institutional investors of their policies with respect to such matters. These recommendations were contained in its letter to Congress of March 10, 1971, transmitting the Institutional Investor Study Report.[1] In that letter the Commission stated that it would be desirable for both portfolio companies and institutional beneficiaries, including investment company shareholders, to be informed of the policies of the institutional financial managers on such matters.

At the present time, Item 5(d) of Form N-8B-1—which is the form used by most investment companies for registration under the Act—requires only that the registrant describe its investment policy with respect to "Investment in companies for the purpose of exercising control or management." An investment company must make the same disclosure in its registration statement and prospectus for its securities under the Securities Act.[2] The same is true in the case of registered unincorporated management companies currently issuing periodic payment plan certificates and which file on Form N-8B-3,[3] and in the case of registered investment companies which are licensed as small business investment companies under the Small Business Investment Act of 1958 (15 U.S.C. 671 et seq.) and file on Form N-5.[4] However, Form N-8B-4 for face-amount certificate companies presently has no requirement for disclosure of policies with respect to investment in companies for the purpose of exercising control or management,[5] nor is there a requirement for disclosure of such information in the prospectus of such companies.[6]

Presently, most investment companies disclaim in their statements of policy that it is their intention to become involved in management of portfolio companies. In this connection, the Commission stated in its recommendations to Congress that:

> Consideration should be given to requiring all institutions to state their policies on involvement in corporate affairs and with more specificity than now required of investment companies, including: Their procedures for considering proxy materials, any general policy regarding supporting management, any general policy of abstaining from voting, any general policy on voting for or against (or not voting on) certain types of proposals, and general policy of participating or not participating in corporate transfer situations, any policies regarding other business relationships, and informal participation or consultation with portfolio companies in corporate affairs.[7]

The proposed form amendments would be applicable only to registered management investment companies and face-amount certificate companies.[8] As indicated in the transmittal letter, the Commission is considering the extent to which the disclosures provided by these amendments should be required of other institutional investors.

The Commission's recommendation with respect to registered investment companies would be accomplished by amending Item 5(d) of Form N-8B-1 which is used for registration by most registered management investment companies under the Act. These changes would also be reflected in prospectuses of such companies since the changes would be incorporated by reference in Forms S-4 and S-5 which are used by closed-end and open-end management companies, respectively, for registering their securities under the Securities Act. Item 53(a) of Form N-8B-3 and Item 3(d) of Form N-5 would similarly be amended. Also, a new paragraph (e) would be added to Item 8 of Form N-8B-4 to add the new disclosures required in the foregoing forms, and companies filing on that form would be expected to make these new disclosures in Item 9 of Form S-1 under the Securities Act.[9]

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[1] H. Doc. No. 92-64, 92d Congress, 1st Sess. (1971), Summary Volume, pp. XXX-XXXI (hereafter referred to as "transmittal letter").

[2] See Item 5 of Form S-4 (17 CFR 239.14) and Item 1(a) of Form S-5 (17 CFR 239.15) which incorporate by reference Item 5(d) of Form N-8B-1.

[3] See Item 53(a) of Form N-8B-3. An investment company which uses Form N-8B-3 may register its securities on Form S-1 (17 CFR 239.11) provided that the registrant adapts that form to the disclosures required in Form S-5.

[4] See Item 3(d), Part I of Form N-5, and Item 27, Part II of that form which incorporates Item 3(d) of Part I by reference.

[5] Section 28(b) of the Investment Company Act (15 U.S.C. 80a-28(b)) restricts investments made by face-amount certificate companies to "qualified investments" of a kind which life insurance companies are permitted to invest in or hold under the provisions of the Code of the District of Columbia. See D.C. Code § 35-535 (1967). In view of the limitations placed by the D.C. Code on permitted investment in common stocks, and in order to meet their obligations to certificate holders, face-amount certificate companies generally invest substantially in nonequity interests such as bonds and Government securities. Therefore, such companies are not generally in a position to control their portfolio companies.

[6] Registration statements for securities of face-amount certificate companies under the Securities Act are filed on Form S-1.

[7] Transmittal letter, p. XXXI.

[8] The proposed amendments would not apply to Form N-8B-2 (17 CFR 274.12) which is prescribed for use by unit investment trusts for registration pursuant to section 8 of the Act (15 U.S.C. 80a-8). Unit investment trusts are used primarily as funding vehicles for periodic payment plans for the accumulation of shares of registered open-end investment companies. Custodian agreements or trust indentures under which unit investment trusts must operate pursuant to section 26(a) of the Act (15 U.S.C. 80a-26(a)), generally provide that the custodian will vote the proxy of the underlying investment company's shares in accordance with the instructions received from planholders. Such agreements also generally provide that, if a planholder so requests, the custodian will give him a proxy or otherwise arrange for his exercise of voting rights at any meeting. If a planholder does not exercise any of these privileges, then the agreement provides that the custodian shall vote his shares for or against each matter on which the planholder is entitled to vote in the same proportion as indicated in the voting instructions given by the other planholders. Consequently, a registered unit trust is substantially precluded from obtaining or exercising control of or otherwise influencing the management of its underlying investment company. Therefore, it is not necessary to require a registered unit trust to disclose its policy with respect to involvement in the affairs of its portfolio companies.

[9] The language of the proposed amendment to Form N-8B-4 is modified to take into account that face-amount certificate companies issue and invest substantially in nonequity securities.

The proposed amendments would require the registrant to state in these items in the foregoing forms its policy concerning involvement in the affairs of its portfolio companies, including its procedures for reviewing proxy materials and the other matters specified in the Commission's recommendation.

In addition, the proposed amendments would make certain conforming changes in Item 3(d) of Form N-1Q, which presently requires quarterly reports to describe any material change in investment policy which has not been approved by stockholders with respect to investment in companies for the purpose of exercising control or management. Registered face-amount certificate companies would be expected to report any material change, not authorized by shareholders, in their policies with respect to involvement in the affairs of portfolio companies in Item 12 of Form 8-K (17 CFR 249.308) for current reports under the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.).

I. Paragraph (d) of Item 5 of Form N-8B-1 (17 CFR 274.11) would be amended and new instructions to that paragraph would be added, to read:

Item 5. Policies with respect to security investments.

* * * * *

(d) Investment in companies for the purpose of exercising control or management, and any other policy with respect to involvement in the affairs of portfolio companies, including:

(1) Procedures for considering proxy materials of portfolio companies, including any procedure that may be followed whereby registrant solicits from its shareholders instructions or opinions with respect to voting of proxies.

(2) Any general policy of supporting management of portfolio companies.

(3) Any general policy of abstaining from voting at annual and other meetings of portfolio companies.

(4) Any general policy on voting for or against (or not voting on) certain types of proposals at annual and other meetings of portfolio companies.

(5) Any general policy of participating or not participating in transfers of control of actual or potential portfolio companies.

(6) Any general policies or practices regarding other business relationships, personnel relationships and informal participation with portfolio companies in corporate affairs.

Instructions. (1) In response to subparagraph (2), state policy which registrant follows in event it does not support management of a portfolio company (e.g., liquidate holdings in such company).

(2) For the purpose of subparagraph (5), a "transfer of control" includes a proposed merger, tender offer, and any other transaction intended to result in the transfer of control of a corporation. "Participation" includes any attempt to facilitate or block the transfer of corporate control; e.g., by trading and tendering activities.

(3) For the purpose of subparagraph (6), "participation" includes any contacts between representatives of the investment company and the portfolio company, regardless by whom initiated, in which the investment company or its investment adviser expresses its views as to what corporate management should do. It does not include ordinary contacts between securities analysts and companies.

II. Paragraph (a) of Item 53 of Form N-8B-3 (17 CFR 274.13) would be amended and a new note to that paragraph would be added, to read:

Investment policy. 53. (a) Describe the policy of the registrant with respect to investments in companies for the purpose of exercising control or management, and any other policy with respect to involvement in the affairs of portfolio companies, including:

(1) Procedures for considering proxy materials of portfolio companies, including any procedure that may be followed whereby registrant solicits from its shareholders instructions or opinions with respect to voting of proxies.

(2) Any general policy of supporting management of portfolio companies.

(3) Any general policy of abstaining from voting at annual and other meetings of portfolio companies.

(4) Any general policy on voting for or against (or not voting on) certain types of proposals at annual and other meetings of portfolio companies.

(5) Any general policy of participating or not participating in transfers of control of actual or potential portfolio companies.

(6) Any general policies or practices regarding other business relationships, personnel relationships and informal participation with portfolio companies in corporate affairs.

Note. (1) In response to subparagraph (2), state policy which registrant follows in event it does not support management of a portfolio company (e.g., liquidate holdings in such company).

(2) For the purpose of subparagraph (5), "transfer of control" includes a proposed merger, tender offer, and any other transaction intended to result in the transfer of control of a corporation. "Participation" includes any attempt to facilitate or block the transfer of corporate control; e.g., by trading and tendering activities.

(3) For the purpose of subparagraph (6), "participation" includes any contacts between representatives of the investment company and the portfolio company, regardless by whom initiated, in which the investment company or its investment adviser expresses its views as to what corporate management should do. It does not include ordinary contacts between securities analysts and companies.

III. The heading of Item 8 of Form N-8B-4 (17 CFR 274.14) would be amended and a new paragraph (e) and instructions thereto would be added, to read:

Item 8. Investments in securities and involvement in the affairs of portfolio companies.

* * * * *

(e) Describe any investment policy of the registrant with respect to involvement in the affairs of portfolio companies whose equity securities are held by registrant, including:

(1) Procedures for considering proxy materials of portfolio companies.

(2) Any general policy of supporting management of portfolio companies.

(3) Any general policy of abstaining from voting at annual and other meetings of portfolio companies.

(4) Any general policy on voting for or against (or not voting on) certain types of proposals at annual and other meetings of portfolio companies.

(5) Any general policy of participating or not participating in transfers of control of actual or potential portfolio companies.

(6) Any general policies or practices regarding other business relationships, personnel relationships and informal participation with portfolio companies in corporate affairs.

Instructions. (1) In response to subparagraph (2), state policy which registrant follows in event it does not support management of a portfolio company (e.g., liquidate holdings in such company).

(2) For the purpose of subparagraph (5), a "transfer of control" includes a proposed merger, tender offer, and any other transaction intended to result in the transfer of control of a corporation. "Participation" includes any attempt to facilitate or block the transfer of corporate control; e.g., by trading and tendering activities.

(3) For the purpose of subparagraph (6), "participation" includes any contacts between representatives of the investment company and the portfolio company, regardless by whom initiated, in which the investment company or its investment adviser expresses its views as to what corporate management should do. It does not include ordinary contacts between securities analysts and companies.

IV. Paragraph (d) of Item 3 of Form N-5 (17 CFR 274.5) would be amended and new Instructions to that paragraph would be added, to read:

Item 3. Policies with respect to security investments.

* * * * *

(d) Investment in companies for the purpose of exercising control or management, and any policy with respect to involvement in the affairs of portfolio companies, including:

(1) Procedures for considering proxy materials of portfolio companies, including any procedure that may be followed whereby registrant solicits from its shareholders instructions or opinions with respect to voting of proxies.

(2) Any general policy of supporting management of portfolio companies.

(3) Any general policy of abstaining from voting at annual and other meetings of portfolio companies.

(4) Any general policy on voting for or against (or not voting on) certain types of proposals at annual and other meetings of portfolio companies.

(5) Any general policy of participating or not participating in transfers of control of actual or potential portfolio companies.

(6) Any general policies or practices regarding other business relationships, personnel relationships and informal participation wtih portfolio companies in corporate affairs.

Instructions. (1) In response to subparagraph (2), state policy which registrant follows in event it does not support management of a portfolio company (e.g., liquidate holdings in such company).

(2) For the purpose of subparagraph (5), a "transfer of control" includes a proposed merger, tender offer, and any other transaction intended to result in the transfer of control of a corporation. "Participation" includes any attempt to facilitate or block the transfer of corporate control; e.g., by trading and tendering activities.

(3) For the purpose of subparagraph (6), "participation" includes any contacts between representatives of the investment company and the portfolio company, regardless by whom initiated, in which the investment company or its investment adviser expresses its views as to what corporate management should do. It does not include ordinary contacts between securities analysts and companies.

V. Paragraph (d) of Item 3 of Form N-1Q (17 CFR 274.106) would be amended and new instructions would be added, to read:

Item 3. Policies with respect to security investments.

* * * * *

(d) Investment in companies for the purpose of exercising control or management, and any policy with respect to involvement in the affairs of portfolio companies, including:

(1) Procedures for considering proxy materials of portfolio companies, including any procedure that may be followed whereby registrant solicits from its shareholders instructions or opinions with respect to voting of proxies.

(2) Any general policy of supporting management of portfolio companies.

(3) Any general policy of abstaining from voting at annual and other meetings of portfolio companies.

(4) Any general policy on voting for or against (or not voting on) certain types of proposals at annual and other meetings of portfolio companies.

(5) Any general policy of participating or not participating in transfers of control of actual or potential portfolio companies.

(6) Any general policies or practices regarding other business relationships, personnel relationships and informal participation with portfolio companies in corporate affairs.

Instructions. (1) In response to subparagraph (2), state policy which registrant follows in event it does not support management of a portfolio company (e.g., liquidate holdings in such company).

(2) For the purpose of subparagraph (5), a "transfer of control" includes a proposed merger, tender offer, and any other transaction intended to result in the transfer of control of a corporation. "Participation" includes any attempt to facilitate or block the transfer of corporate control; e.g., by trading and tendering activities.

(3) For the purpose of subparagraph (6), "participation" includes any contacts between representatives of the investment company and the portfolio company, regardless by whom initiated, in which the investment company or its investment adviser expresses its views as to what corporate management should do. It does not include ordinary contacts between securities analysts and companies.

NOTE: The text of the proposed amendments to the forms is contained in Release No. IC-6853, copies of which have been filed with the Office of the Federal Register, and copies of the release may be obtained from the Securities and Exchange Commission, Washington, D.C. 20549.

The proposed amendments would be adopted pursuant to sections 8(b), 30(b), and 38(a) of the Investment Company Act of 1940 and sections 13, 15(d), 23(a), and 24 of the Securities Exchange Act of 1934. All interested persons are invited to submit views and comments with respect to the proposed amendments, in writing to Ronald F. Hunt, Secretary, Securities and Exchange Commission, Washington, D.C. 20549, on or before December 31, 1971. All communications with respect to the proposed amendments should refer to File No. S7-415. Such communications will be available for public inspection.

(Secs. 8(b), 30(b), 38(a), 54 Stat. 803, 836, 841, 15 U.S.C. 80a-8(b), 80a-29(b), 80a-37(a); secs. 13, 15(d), 23(a), 24, 48 Stat. 894, 895, 901, 15 U.S.C. 78m, 78o(d), 78w, 78x)

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

DECEMBER 1, 1971.

[FR Doc.71-19077 Filed 12-30-71;8:45 am]

Notices

DEPARTMENT OF THE TREASURY

Fiscal Service

[Dept. Circ. 570, 1971 Rev., Supp. No. 7]

HOUSTON FIRE AND CASUALTY INSURANCE COMPANY

Surety Company Acceptable on Federal Bonds

A Certificate of Authority as an acceptable surety on Federal bonds has been issued by the Secretary of the Treasury to the following company under sections 6 to 13 of Title 6 of the United States Code. An underwriting limitation of $568,000 has been established for the company.

Name of company, location of principal executive office, and state in which incorporated:

Houston Fire and Casualty Insurance Company

Fort Worth, Texas

Texas

Certificates of Authority expire on June 30 each year, unless sooner revoked, and new Certificates are issued on July 1 so long as the companies remain qualified (31 CFR Part 223). A list of qualified companies is published annually as of July 1 in Department Circular 570, with details as to underwriting limitations, areas in which licensed to transact fidelity and surety business and other information. Copies of the Circular, when issued, may be obtained from the Treasury Department, Bureau of Accounts, Audit Staff, Washington, D.C. 20226.

Dated: December 27, 1971.

[SEAL] JOHN K. CARLOCK,
Fiscal Assistant Secretary.

[FR Doc.71-19149 Filed 12-30-71;8:47 am]

Internal Revenue Service

[Order No. 77 (Rev. 5)]

CHIEFS, APPELLATE BRANCH OFFICES ET AL.

Delegation of Authority To Issue Statutory Notices of Deficiency

1. The authority granted to the Commissioner of Internal Revenue, Assistant Regional Commissioners (Appellate) and District Directors by 26 CFR 301.-7701-9, 26 CFR 301.6212-1 and 26 CFR 301.6861-1 to sign, and send to the taxpayer by registered or certified mail any statutory notice of deficiency is hereby delegated to the following officials:

(a) Chiefs, Appellate Branch Offices,
(b) Associate Chiefs, Appellate Branch Offices,
(c) Assistant Chiefs, Appellate Branch Offices,
(d) Conferee-Special Assistants, Appellate Branch Offices,
(e) Director of International Operations,
(f) Service Center Directors,
(g) Assistant District Directors,
(h) Assistant Service Centers Directors,
(i) Chiefs of District Audit Divisions, and
(j) Chiefs of Service Center Audit staffs.

This authority may be redelegated only by District Directors, Service Center Directors, and the Director of International Operations. District Directors and the Director of International Operations may redelegate to the Chief of Review Staff (or to the Chief of Technical Branch where that position has been established); Chief of Conference Staff; to Revenue Agents (Reviewers or Conferees) not lower than GS-11 for field audit cases; and to Revenue Agents (Reviewers or Conferees) and Tax Auditors (Reviewers or Conferees) not lower than GS-9 for office audit cases. Service Center Directors may redelegate to Tax Auditors (Reviewers) not lower than GS-9 for correspondence audit cases.

3. This order supersedes Delegation Order No. 77 (Rev. 4), issued November 23, 1970.

Issued: December 21, 1971.

Effective: January 1, 1972.

[SEAL] WILLIAM H. LOEB,
Acting Commissioner.

[FR Doc.71-19150 Filed 12-30-71;8:47 am]

DEPARTMENT OF AGRICULTURE

Rural Electrification Administration

ASSOCIATED ELECTRIC COOPERATIVE, INC.

Draft Environmental Statement

Notice is hereby given that the Rural Electrification Administration has prepared a Draft Environmental Statement in accordance with section 102(2)(C) of the National Environmental Policy Act of 1969, in connection with a loan application from Associated Electric Cooperative, Inc., of Springfield, Mo. This loan application, together with funds from other sources, includes financing for approximately 160 miles of 345 kv. transmission line and one 345/161 kv. substation.

Additional information may be secured by request submitted to Mr. James N. Myers, Assistant Administrator—Electric, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250. Comments are particularly invited from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved from which comments have not been requested specifically.

Copies of the REA Draft Environmental Statement have been sent to various Federal, State, and local agencies, as outlined in the Council on Environmental Quality Guidelines. The Draft Environmental Statement may be examined during regular business hours at the offices of REA in the South Agriculture Building, 12th Street and Independence Avenue SW., Washington, DC, Room 4322, or at Associated Electric Cooperative, Inc., of Springfield, Mo.

Comments concerning the environmental impact of the construction proposed should be addressed to Mr. Myers at the address given above. Comments must be received within thirty (30) days of the date of publication of this notice to be considered in connection with the proposed use of loan funds.

Any loan which may be made pursuant to this application will be subject to, and release of funds thereunder contingent upon, REA's reaching satisfactory conclusions with respect to environmental effects and after compliance with Environment Statement procedures required by the National Environmental Policy Act of 1969.

Dated at Washington, D.C., this 23d day of December 1971.

E. C. WEITZELL,
Acting Administrator, Rural Electrification Administration.

[FR Doc.71-19151 Filed 12-30-71;8:47 am]

ATOMIC ENERGY COMMISSION

[Dockets Nos. 50-348, 50-364]

ALABAMA POWER CO.

Notice of Availability of Applicant's Environmental Report and Supplemental Environmental Report

Pursuant to the National Environmental Policy Act of 1969 and the Atomic Energy Commission's regulations in Appendix D to 10 CFR Part 50, notice is hereby given that reports entitled "A Statement by Alabama Power Co. On Environmental Matters Related to Joseph M. Farley Nuclear Plant, September 11, 1970" and "Alabama Power Co.'s Environmental Report—Construction Permit Stage, October 29, 1971," for the Joseph M. Farley Nuclear Plant Units Nos. 1 and 2, submitted by the Alabama Power Co., have been placed in the Commission's Public Document Room at 1717 H Street NW., Washington, DC, and in the George S. Houston Memorial Library, 212 West Vurdeshaw Street, Dothan, AL 36301. The reports are also being made available to the public at the Alabama Development Office, State Office Building, Montgomery, Ala. 36104, and at the Southeast Alabama Regional Planning and Development Commission, Post Office Box 1460, Dothan, AL 36301.

These reports discuss environmental considerations related to the proposed construction of the Joseph M. Farley Nuclear Plant, Units Nos. 1 and 2, located on the west side of the Chattahoochee River about 16½ miles east of Dothan, in Houston County, Ala.

After the reports have been analyzed by the Commission's director of regulation or his designee, a draft detailed statement of environmental considerations related to the proposed action will be prepared. Upon preparation of the draft detailed statement, the Commission will, among other things, cause to be published in the FEDERAL REGISTER a summary notice of availability of the draft detailed statement. The summary notice will request comments from interested persons on the proposed action and on the draft statement. The summary notice will also contain a statement to the effect that the comments of Federal agencies and State and local officials thereon will be available when received.

Dated at Bethesda, Md., this 23d day of December 1971.

For the Atomic Energy Commission.

RICHARD C. DEYOUNG,
Assistant Director for Pressurized Water Reactors, Division of Reactor Licensing.

[FR Doc.71-19120 Filed 12-30-71;8:46 am]

[Docket No. 50-261]

CAROLINA POWER AND LIGHT CO.

Notice of Availability of Applicant's Environmental Report

Pursuant to the National Environmental Policy Act of 1969 and the Atomic Energy Commission's regulations in Appendix D to 10 CFR Part 50, notice is hereby given that the "Environmental Report" for H. B. Robinson, Unit 2, submitted by the Carolina Power and Light Co., has been placed in the Commission's Public Document Room at 1717 H Street NW., Washington, DC. The report is also being made available to the public at the Office of the Governor, State Planning and Grants Division, Wade Hampton Office Building, Columbia, S.C. 29201, and at the Pee Dee Development and Planning Commission, Post Office Box 4366, Florence, SC 29501.

This report discusses environmental considerations related to the operation of H. B. Robinson, Unit 2, located in Darlington County, S.C.

After the report has been analyzed by the Commission's director of regulation or his designee, a draft detailed statement of environmental considerations related to the proposed action will be prepared. Upon preparation of the draft detailed statement, the Commission will, among other things, cause to be published in the FEDERAL REGISTER a summary notice of availability of the draft detailed statement. The summary notice will request comments from interested persons on the proposed action and on the draft statement. The summary notice will also contain a statement to the effect that the comments of Federal agencies and State and local officials thereon will be available when received.

Dated at Bethesda, Md., 22d day of December 1971.

For the Atomic Energy Commission.

R. C. DEYOUNG,
Assistant Director for Pressurized Water Reactors, Division of Reactor Licensing.

[FR Doc.71-19119 Filed 12-30-71;8:46 am]

[Docket No. 50-336]

CONNECTICUT LIGHT AND POWER CO. ET AL.

Notice of Availability of Applicants' Supplemental Environmental Report

Pursuant to the National Environmental Policy Act of 1969 and the Atomic Energy Commission's regulations in Appendix D to 10 CFR Part 50, notice is hereby given that a supplemental report entitled "Environmental Report—Construction Permit Stage," for the Millstone Nuclear Power Station, Unit 2, submitted by the Connecticut Light & Power Co., The Hartford Electric Light Co., Western Massachusetts Electric Co., and The Millstone Point Co. has been placed in the Commission's Public Document Room at 1717 H Street NW., Washington, DC, and in the Waterford Public Library, Rope Ferry Road, Route 156, Waterford, CT. The report is also being made available to the public at the Office of State Planning, Department of Finance and Control, 340 Capitol Avenue, Hartford, CT 06115, and at the Southeastern Connecticut Regional Planning Agency, 139 Boswell Avenue, Norwich, CT 06360.

This report discusses environmental considerations related to the construction of the Millstone Nuclear Power Station, Unit 2, located on the Long Island Sound, in the town of Waterford, Conn.

Notice of availability of the applicants' environmental report dated June 10, 1970, was published in the FEDERAL REGISTER on June 17, 1970 (35 F.R. 9943). Notice of availability of the Commission's detailed statement on environmental considerations was published in the FEDERAL REGISTER on September 18, 1970 (35 F.R. 14631). Copies of the environmental report and the Commission's detailed statement are also available at the above locations.

After the supplemental report has been analyzed by the Commission's director of regulation or his designee, a supplemental draft detailed statement of environmental considerations related to the proposed action will be prepared. Upon preparation of the supplemental draft detailed statement, the Commission will, among other things, cause to be published in the FEDERAL REGISTER a summary notice of availability of the supplemental draft detailed statement. The summary notice will request comments from interested persons on the proposed action and on the supplemental draft statement. The summary notice will also contain a statement to the effect that the comments of Federal agencies and State and local officials thereon will be available when received.

Dated at Bethesda, Md., this 23d day of December 1971.

For the Atomic Energy Commission.

R. C. DEYOUNG,
Assistant Director for Pressurized Water Reactors, Division of Reactor Licensing.

[FR Doc.71-19121 Filed 12-30-71;8:47 am]

[Docket No. 50-376]

PUERTO RICO WATER RESOURCES AUTHORITY

Notice of Availability of Applicant's Environmental Report and Supplemental Environmental Report

Pursuant to the National Environmental Policy Act of 1969 and the Atomic Energy Commission's regulations in Appendix D to 10 CFR Part 50, notice is hereby given that reports entitled "Applicant's Environmental Report, Construction Permit Stage," and "Environmental Report Supplement" for the Aguirre Nuclear Plant submitted by the Puerto Rico Water Resources Authority have been placed in the Commission's Public Document Room at 1717 H Street NW., Washington, DC, and in the office of Mayor Parsilo Godreau, 10 North Avenue, Salinas, PR 00751. The reports are also being made available to the public at the Puerto Rico Planning Board, 1507 Ponce de Leon Avenue, Cond. Ponce de Leon, Box 9447, Santurce, PR 00908.

These reports discuss environmental considerations related to the proposed construction of the Aguirre Nuclear Plant located on the southern coast of Puerto Rico along the shore of Bahia De Jobos, within the municipality of Salinas.

After the reports have been analyzed by the Commission's director of regulation or his designee, a draft detailed statement of environmental considerations related to the proposed action will be prepared. Upon preparation of the draft detailed statement, the Commission will, among other things, cause to be published in the FEDERAL REGISTER a summary notice of availability of the draft detailed statement. The summary notice will request comments from interested persons on the proposed action and on the draft statement. The summary notice will also contain a statement to the effect that the comments of Federal agencies and State and local officials thereon will be available when received.

Dated at Bethesda, Md., this 22d day of December 1971.

For the Atomic Energy Commission.

R. C. DEYOUNG,
Assistant Director for Pressurized Water Reactors, Division of Reactor Licensing.

[F.R. Doc.71-19122 Filed 12-30-71;8:47 am]

FEDERAL MARITIME COMMISSION

[Docket No. 71-98]

SEA-LAND SERVICE, INC.

Order To Show Cause Regarding Possible Violations of Shipping Act

Sea-Land Service, Inc. (Sea-Land) is a common carrier by water in the foreign commerce of the United States operating in part between ports on the east coast of the United States and ports in the United Kingdom and Europe (North Atlantic Range). A review of the military container rates submitted in response to the Military Sealift Command's (MSC) Request for Proposals (RFP) No. 600, Second Cycle (January 1, 1972–June 30, 1972), reveals that Sea-Land submitted a bid of $11.69 per measurement ton (40 cubic feet) for the carriage of cargo n.o.s. between ports in the North Atlantic Range. The cargo n.o.s. rate is the applicable rate for the majority of military dry cargo—which by law is restricted to carriage by American-flag carriers. These rates have been accepted by MSC Container Agreement and Rate Guide (RG-2) in lieu of a tariff in accordance with General Order 13, Amendment 1, 46 CFR 536.14.

American Export Isbrandtsen Lines, Inc. filed a protest to these rates on December 27, 1971 alleging inter alia that the cargo n.o.s. rate cannot be justified on a fully allocated basis and that this rate will cause irreparable injury to all American-flag carriers operating on the North Atlantic Range, all to the detriment of the oceanborne foreign commerce of the United States.

The Commission has had a number of proceedings before it involving the procurement of ocean transportation of the Military Sealift Command. Moreover, the Commission is actively participating with components of the Defense Department, the Maritime Administration, Department of Commerce, Office of Management and Budget, and representatives from the U.S.-flag carriers in a thorough review of military sealift procurement practices (Sealift Procurement and National Security Study—SPANS). The Sea-Land data for the calendar year 1970 as used in this study indicate that the average total expense for carriage of military cargo in the North Atlantic Range is approximately $13.40 per measurement ton.

The Commission is of the view that the competitive procurement system resulted in rates during fiscal year 1971 (RFP 500) on the North Atlantic Range which appear to be noncompensatory to the detriment of the American-flag merchant marine and to the ultimate detriment to the waterborne foreign commerce of the United States. The cargo n.o.s. bids quoted on the North Atlantic Range for the first cycle of RFP 600 (July 1, 1971–December 31, 1971) apparently were sufficient to meet the costs of the carriers quoting these rates. Now, however, Sea-Land, in quoting the $11.69 per measurement ton rate for cargo n.o.s. (RFP 600, Second Cycle)—a reduction from its previous quote of $16.15 per measurement ton and a reduction from the lowest previous bid on the North Atlantic Range of $13.34 per measurement ton—is bidding a rate which is below costs (as submitted by Sea-Land in the SPANS study). Experience in military competitive bidding indicates that bids below cost inevitably lead to further depressed bids.

Moreover, Sea-Land, together with other carriers in the North Atlantic Trade, filed with this Commission a complaint on May 26, 1971, docketed as FMC No. 71-61—North Atlantic Continental Freight Conference v. Inter-Freight International, et al., alleging that commerical rates filed in that Trade, which would produce approximately the same revenues resulting from the Sea-Land/MSC bid in RFP 600, Second Cycle, "are believed to be so unreasonably low as to be detrimental to the commerce of the United States in violation of section 18 (b) of the Shipping Act, 1916." Sea-Land has further quoted a rate in RFP 600, Second Cycle, on military cargo n.o.s. from gulf ports of the United States to the same European destinations of $22.50 per measurement ton.

Sea-Land's applicable commercial tariff in the North Atlantic Range (North Atlantic Continental Freight Conference Tariff No. 29 FMC-4 effective January 1, 1972 Rule 13(m)) in pertinent part states as follows:

> When a shipper requests exclusive use of a container and so indicates on the bill of lading, the cargo will be rated at the applicable tariff rate but the revenue for each container must be no less than thirty-eight and a half (38½) cents per cubic foot on nontemperature controlled cargo nor less than sixty (60) cents per cubic foot on temperature controlled cargo both based on the inside cubic capacity of the container.

For dry cargo this would result in a minimum charge of approximately $804 per 35-foot container as compared with the MSC bid rate of approximately $610 per 35-foot container.

In considering this information available to the Commission it appears that the $11.69 per measurement ton rate may be below the prevailing costs for providing this service; furthermore it appears these rates may be unreasonably preferential to shippers of military cargo n.o.s. and therefore subject commercial shippers to an unreasonable prejudice or disadvantage; further, it appears these rates may be unjustly discriminatory between shippers and ports; and it appears these rates may be so unreasonably low as to be detrimental to the commerce of the United States.

Section 16 First makes it unlawful for any common carrier by water to give any unreasonable preference or advantage to any particular person, locality, or description of traffic. Section 17 forbids common carriers from charging or collecting any rate which is unjustly discriminatory between shippers or ports. Section 18(b)(5) authorizes the Commission to disapprove any rate or charge which it finds to be so unreasonably high or low as to be detrimental to the commerce of the United States.

Now therefore, it is ordered, Pursuant to sections 22, 16 First, 17, and 18(b)(5) of the Shipping Act, 1916, that Sea-Land be named respondent in this proceeding and that it be ordered to show cause why the Commission should not find that Sea-Land's RFP 600, Second Cycle, military cargo n.o.s. rate of $11.69 per measurement ton for the North Atlantic Range is unreasonably preferential to shippers of that cargo and unreasonably prejudicial or disadvantageous to commercial shippers in violation of section 16, First; is unjustly discriminatory between shippers and ports in violation of section 17; is so unreasonably low as to be detrimental to the commerce of the United States in contravention of section 18(b) (5); and why the Commission should not therefore disapprove or alter the cargo n.o.s. rate on the North Atlantic Range as authorized by sections 17 and 18(b)(5).

It is further ordered, That this proceeding shall be limited to the submission of affidavits and memoranda of law, replies, and oral argument. Should any party feel that an evidentiary hearing be required, that party must accompany any request for such hearing with a statement setting forth in detail the facts to be proven, their relevance to the issues in this proceeding, and why such proof cannot be submitted through affidavit. Requests for hearing shall be filed on or before January 10, 1972. Affidavits of fact and memoranda of law shall be filed by respondent and served upon all parties no later than the close of business January 10, 1972. Reply affidavits and memoranda shall be filed by the Commission's Bureau of Hearing Counsel and intervenors, if any, no later than the close of business January 20, 1972. Time and date of oral argument, if requested and/or deemed necessary by the Commission, will be announced at a later date.

It is further ordered, That a notice of this order be published in the FEDERAL REGISTER and that a copy thereof be served upon respondent.

It is further ordered, That any persons other than the respondent who desire to become parties to this proceeding and to participate therein shall file a petition to intervene pursuant to Rule 5(l) of the Commission's rules of practice and procedure (46 CFR 502.72) no later than the close of business January 5, 1972.

It is further ordered, That all documents submitted to any party of record in this proceeding shall be directed to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, in an original and 15 copies as well as being mailed directly to all parties of record.

By the Commission.

[SEAL] FRANCIS C. HURNEY, *Secretary.*

[FR Doc.71-19156 Filed 12-30-71;8:49 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 2-37401]

AMERICAN AIRLINES, INC.

Notice of Application and Opportunity for Hearing

DECEMBER 22, 1971.

Notice is hereby given that American Airlines, Inc. (American) has filed an application under clause (ii) of section 310 (b)(1) of the Trust Indenture Act of 1939 (the Act) for a finding that the trusteeships of Bankers Trust Company (Bankers Trust) under two existing indentures of American not qualified under the Act, under one existing indenture so qualified and under a new indenture of American not to be so qualified is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify Bankers Trust from acting as trustee under any of such indentures.

Section 310(b) of the Act provides in part that if a trustee under an indenture qualified under the Act has or shall acquire any conflicting interest, it shall within 90 days, after ascertaining that it has such conflicting interests, either eliminate such conflicting interest or resign. Subsection (1) of such section provides, in effect, with certain exceptions, that a trustee under a qualified indenture shall be deemed to have a conflicting interest if such trustee is trustee under another indenture under which any other securities of the same issuer are outstanding. However, under clause (ii) of subsection (1), there may be excluded from the operation of this provision another indenture under which other securities of the issuer are outstanding, if the issuer shall have sustained the burden of proving, on application to the Commission and after opportunity for hearing thereon, that trusteeship under the qualified indenture and such other indenture is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify such trustee from acting as trustee under either of said indentures.

American alleges that:

(1) American has financed the acquisition of two McDonnell Douglas DC-10 by placing with one or more institutional investors approximately $20 million principal amount of certificates which are expected to be issued pursuant to an indenture (1971 Indenture) not to be qualified under the Act.

(2) American desires to appoint Bankers Trust to act as trustee under the 1971 Indenture.

(3) Bankers Trust presently is acting as trustee under a trust agreement dated as of October 20, 1967 (1967 Indenture), under a trust agreement dated as of September 15, 1969 (1969 Indenture), and under a trust agreement dated as of June 1, 1970 (1970 Indenture) relating to the financing of 27 Boeing Model 727-223 the aircraft, two Boeing Model 727-223 aircraft and seven Boeing Model 747-123 aircraft, respectively, leased to American, which constitute three of American's 10 presently existing flight equipment lease transactions.

(4) American is not in default under any of its equipment obligations.

(5) The certificates issued under the 1967 Indenture, the 1969 Indenture and the 1970 Indenture are, and the certificates to be issued under the 1971 Indenture will be, secured by separate lots of identified aircraft, so that should the trustee have occasion to proceed against the security under one of these indentures, such action would not affect the security, or the use of any security, under the other indentures.

American has waived notice of hearing, and any and all rights to specify procedures under Rule 8(b) of the Commission's rules of practice.

For a more detailed statement of the matters of fact and law asserted, all persons are referred to said application, which is a public document on file in the offices of the Commission at 500 North Capitol Street NW., Washington, DC 20549.

Notice is further given that any interested persons may, not later than January 19, 1972, request in writing that a hearing to be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by such application which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. At any time after said date, the Commission may issue an order granting the application, upon such terms and conditions as the Commission may deem necessary or appropriate in the public interest and the interest of investors, unless a hearing is ordered by the Commission.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.71-19123 Filed 12-30-71;8:47 am]

[24S-2156]

DATA COMMUNICATIONS, INC.

Order Temporarily Suspending Exemption, Statement of Reasons, and Notice of Opportunity for Hearing

DECEMBER 21, 1971.

I. Data Communications, Inc. (Issuer), a corporation incorporated under the laws of the State of Oregon on December 16, 1968, filed with the Commission on January 20, 1969, a notification on Form 1-A and an offering circular relating to a proposed offering of 50,000 shares of common stock at $5 per share for an aggregate offering price of $250,000 for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof and Regulation A promulgated thereunder. The offering was cleared February 19, 1969. A sticker amendment concerning litigation filed February 28, 1969, was filed and cleared March 4, 1969. Form 2-A was filed pursuant to Rule 260 of Regulation A on April 25, 1969 stating that the offering was completed on March 26, 1969. On October 1, 1969, Issuer filed a voluntary petition for reorganization under Chapter X. This petition was subsequently dismissed and Issuer was liquidated.

II. The Commission, on the basis of information reported to it by its staff had reasonable cause to believe that:

A. The Form 1-A filed by the Issuer did not comply with the terms and conditions of Regulation A in that the Issuer did not disclose, under Item 9, the sale of 2,000 shares of unregistered stock of Data Communications, Inc. to Mr. Herman Lind, Sr. and Mr. Howard Somers, which sale occurred on or about December 23, 1968. Mr. Lind and Mr. Somers were the principals of Lind, Somers, and Collins, Inc., the underwriter of the offering.

B. The notification and offering circular, as amended, contain untrue statements of material facts, and omit to state material facts necessary in order to make the statements made, in light of the circumstances under which they were made, not misleading concerning:

1. The adequacy of current income to meet the present obligations and financial needs of the Issuer.

2. The number and type of clients currently serviced by the Issuer.

3. The state of development and condition of various programs the Issuer was offering to its clients.

4. The fact that company moneys would be spent examining possible acquisitions of other businesses.

C. The offering has been in violation of the antifraud provisions of section 17 of the Securities Act of 1933 and section 10(b) of the Securities Exchange Act of 1934 and Rule 10b-5 thereunder.

III. It appearing to the Commission that it is in the public interest and for the protection of investors that the exemption of the Issuer under Regulation A be temporarily suspended.

It is ordered, pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

It is further ordered, Pursuant to Rule 7 of the Commission's rules of practice, that the Issuer file an answer to the allegations contained in this order within 30 days of the entry thereof.

Notice is hereby given that any person having an interest in the matter may file with the Secretary of the Commission a written request for hearing within 30 days after the entry of this order; that within 20 days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission, for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; that, if no hearing is requested and none is ordered by the Commission, this order shall become permanent on the 30th day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission; and that notice of the time and place for any hearing will be promptly given by the Commission.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary*.

[FR Doc.71-19124 Filed 12-30-71;8:47 am]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATION FOR RELIEF

DECEMBER 27, 1971.

Protests to the granting of an application must be prepared in acordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 42326—*Newsprint paper—Canada to Virginia*, filed by Traffic Executive Association-Eastern Railroads, Agent (No. ER 3012), for and on behalf of carriers parties to Canadian Freight Association tariff ICC 341. Rates on newsprint paper, in carloads, from Jonquiere and St. Joseph d'Alma, Que., Canada, to Newsport News and Norfolk, Va.

Grounds for relief—Water competition.

Tariff—Supplement 24 to Canadian Freight Association tariff ICC 341, P. J. Lavallee, Agent. Publication is scheduled to become effective January 29, 1972.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary*.

[FR Doc. 71-19138 Filed 12-30-71;8:48 am]

FOURTH SECTION APPLICATION FOR RELIEF

DECEMBER 27, 1971.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 42325—*Urea to Louisville, Miss.*, filed by Southwestern Freight Bureau, Agent (No. B-281), for Gulf, Mobile, and Ohio Railroad, and Texas and Pacific Railway Co. Rates on urea, other than fertilizer grade, in covered hopper cars, from Donaldsonville, La., to Louisville, Miss.

Grounds for relief—Water competition.

Tariff—Supplement 38 to Southwestern Freight Bureau, Agent, tariff ICC 4941. Publication is scheduled to become effective January 28, 1972.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary*.

[FR Doc.71-19152 Filed 12-30-71;8:49 am]

FOURTH SECTION APPLICATION FOR RELIEF

DECEMBER 27, 1971.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 42324—*Vinyl Chloride to Burlington and Flemington, N.J.*, filed by Southwestern Freight Bureau, Agent (No. B-282), for interested rail carriers. Rates on vinyl chloride, in tank carloads, from points in Louisiana and Texas to Burlington and Flemington, N.J.

Grounds for relief—Market competition.

Tariff—Supplement 14 to Southwestern Freight Bureau, Agent, tariff ICC 4966. Publication is scheduled to become effective January 23, 1972.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary*.

[FR Doc.71-19153 Filed 12-30-71;8:49 am]

ABANDONMENTS: DOWNGRADING OF SERVICE

Report and Establishment of Evidentiary Criteria

DECEMBER 6, 1971.

In its report in Missouri-Kansas-Texas R. Co. Abandonment, Okla., 338 I.C.C. 728, decided November 18, 1971, the Commission established general evidentiary criteria relating to the "downgrading of service" issue. The report notes that these criteria are to be utilized in future section 1(18) proceedings where the question of downgrading is a material issue. First, the report adopts (at page 746) criteria making it incumbent upon carriers to introduce evidence as to a "need to economize" pursuant to a test of implied intent. These criteria are: (1) Whether, on a systemwide basis, this carrier is either only marginally profitable or operating at a deficit; (2) whether the particular line under consideration is marginally profitable, operated at a deficit, or would have been operated at a deficit were it not for the deferral of maintenance and rehabilitation costs, and (3) whether the carrier can clearly show that its available funds for maintenance and rehabilitation are required for those portions of line within its system for which a greater public need has been demonstrated and which offers a larger profit potential for the carrier, and that the carrier has definite proposals as to how such expenditures are being made or will be made.

Secondly, the report concludes (at pages 746-747) that the Commission will take the following, additional criteria into account in its overall consideration of this issue, although it is noted that the Commission's considerations will not be limited solely to these criteria: (1) The nature of the service and the public need shown in the past for the service; (2) the effect of the carrier's act; (3) the need demonstrated by a carrier to economize under the implied intent test; and (4) any evidence as to a specific intent to deliberately downgrade for the purpose of turning what could be a profitable operation into a deficit operation in perfecting a case for abandonment.

[SEAL] ROBERT L. OSWALD, *Secretary*.

[FR Doc.71-19154 Filed 12-30-71;8:49 am]

[No. 35475 (Sub-No. 2)]

SOUTHERN PORTS FOREIGN FREIGHT COMMITTEE TERRITORY—GULF AND SOUTH ATLANTIC PORTS

Investigation Into Railroad Freight Rate Structure

DECEMBER 1, 1971.

Notice is hereby given that on November 4, 1971, the South Carolina State Ports Authority filed a petition with the

Interstate Commerce Commission requesting the Commission, on its own motion, as authorized in section 13(2) of the Interstate Commerce Act, to institute an investigation into the railroad freight rate structure for trailer-on-flatcar (TOFC) and container-on-flatcar (COFC) import and export movements between points in Southern Ports Foreign Freight Committee Territory and gulf and South Atlantic ports and also between points in southern territory and gulf and South Atlantic ports.

In support of the request, the petitioner avers that the railroads are generally applying their domestic rates for the inland movement of TOFC and COFC containerized import and export shipments; that these rates are usually predicated on a distance formula to meet motor carrier competition, that while some export-import rates on containerized traffic have been published between points in Southern Ports Foreign Freight Committee Territory and the gulf ports, no similar rates are published to or from the South Atlantic ports, except a single rate from Savannah, Ga.; and that this distance rate structure results in containerized traffic moving to or from the port nearest to the origin or destination, virtually eliminating the competition of other ports for the movements. Petitioner urges that the present rate structure on import-export traffic moving in containers in TOFC and COFC service between points in Southern Ports Foreign Freight Committee Territory and gulf and South Atlantic ports and also between points in southern territory and gulf and South Atlantic ports may be unjust and unreasonable and preferential and prejudicial, in violation of particular sections of the act.

General public notification of the filing of the petition will be given by publication of this notice in the FEDERAL REGISTER. Any persons interested in the matter involved may, on or before 30 days from the publication of this notice in the FEDERAL REGISTER, file replies to the petition supporting or opposing the determination sought. An original and 15 copies of such replies must be filed with the Commission and must show service of two copies thereof to the petitioner, Marion S. Moore, Jr., General Traffic Manager, South Carolina State Ports Authority, Post Office Box 817, Charleston, SC 29402. Thereafter, a determination will be made by the Commission as to whether to institute an investigation, and if so, the nature of further proceedings will be fixed.

Copies of this notice are being sent to the petitioner. Copies of all future releases herein will be served only on the petitioner and those responding to this notice.

Written material or suggestions submitted will be available for public inspection at the offices of the Interstate Commerce Commission, 12th and Constitution Avenue NW., Washington, DC, during regular business hours.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-19155 Filed 12-30-71;8:49 am]

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